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TITLE 3—THE PRESIDENT

PROCLAMATION 3246

UNITED NATIONS DAY, 1958

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS for the purpose of maintaining international peace and promoting the advancement of all peoples the United States of America joined in founding the United Nations; and

WHEREAS in working for a durable world order of freedom and justice, the firm support of the United Nations has always been a fundamental element of our foreign policy; and

WHEREAS the United Nations is keenly aware that the world is on the threshold of a new age of scientific technology which holds great hopes and grave perils for mankind; and

WHEREAS the United Nations provides a unique international forum and constantly seeks to improve its machinery for collective security and the peaceful settlement of disputes; and

WHEREAS the General Assembly of the United Nations has resolved that October twenty-fourth, the anniversary of the coming into force of the United Nations Charter, should be dedicated each year to making known the purposes, principles, and accomplishments of the United Nations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby urge the citizens of this Nation to observe Friday, October 24, 1958, as United Nations Day by means of community programs which will demonstrate their faith in the United Nations and contribute to a better understanding of its aims, problems, and accomplishments.

I also call upon the officials of the Federal and State Governments and upon local officials to encourage citizen groups and agencies of the press, radio, television, and motion pictures, to engage in appropriate observance of United Nations Day throughout the land in cooperation with the United States Committee for the United Nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of June in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 58-4655; Filed, June 16, 1958;
1:25 p. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 29—TOBACCO INSPECTION

ORDER DESIGNATING TOBACCO AUCTION MARKET AT MOREHEAD, KY.

Upon a referendum conducted, pursuant to prior notice (23 F. R. 2349), during the period June 5, 1958 to June 7, 1958, both dates inclusive, among tobacco growers, who during the 1957-58 marketing season, sold tobacco at auction on the market at Morehead, Kentucky, it is found that more than two-thirds of the growers voting in such referendum favor the designation of such market under section 5 of the Tobacco Inspection Act (7 U. S. D. 511 et seq.) for the free and mandatory inspection and certification of tobacco sold on such market. Therefore, pursuant to the authority vested in the Administrator of the Agricultural Marketing Service, and for the purposes of said act, the orders of designation of tobacco markets (7 CFR 29.601) are amended by adding thereto at the end thereof the following paragraph (uu):

§ 29.601 Designation of tobacco markets. . . .

(uu) The tobacco market at Morehead, Ky. Effective 30 days after June 18, 1958, no tobacco of any type shall be offered for sale at auction on the market at Morehead, Kentucky, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under the Tobacco Inspection Act.

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tion Act (7 U. S. C. 511 et seq.): *Provided, however*, That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service.

(Sec. 14, 49 Stat. 734; 7 U. S. C. 511m)

Done at Washington, D. C., this 12th day of June 1958.

[SEAL] STEPHEN E. WRATHER,
Director,
Tobacco Division,
Agricultural Marketing Service.

[F. R. Doc. 58-4603; Filed, June 17, 1958; 8:48 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P. Q. 592, Rev. Amdt. 1]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—HAWAIIAN FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS APPROVING ETHYLENE DIBROMIDE FUMIGATION AS A CONDITION FOR CERTIFICATION OF FRESH LITCHI NUTS FOR MOVEMENT FROM HAWAII

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 301.13-4 (b) of the regulations supplemental to the Hawaiian Fruits and Vegetables Quarantine (7 CFR 301.13-4 (b), as amended, 22 F. R. 2656; cf. 22 F. R. 2679), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions (7 CFR 301.13-4b), effective September 24, 1954, approving ethylene dibromide fumigation as a condition for certification of certain fruits and vegetables for movement from Hawaii are hereby amended by adding the words "fresh litchi nuts," after the words "Cavendish bananas" in paragraph (a) thereof and after "papaia" in paragraph (1) thereof.

This amendment shall be effective June 18, 1958.

This amendment adds fresh litchi nuts to the list of fruits and vegetables that may be fumigated with ethylene dibromide and certified for movement from Hawaii into or through the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States. Also, an addition to paragraph (1) has been made to indicate that litchi nuts are tolerant to this type of fumigation. Heretofore the only provision for the interstate movement from Hawaii of fresh litchi nuts has been on the basis of treatment by freezing. The provision for their movement after fumigation is therefore a relieving of restrictions. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure concerning the amendment are impracticable and contrary to the public interest

and since the instructions relieve restrictions, they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162)

Done at Washington, D. C., this 13th day of June 1958.

[SEAL] H. S. DEAN,
Acting Director,
Plant Quarantine Division.

[F. R. Doc. 58-4618; Filed, June 17, 1958; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter A—Marketing Orders

PART 945—TOMATOES GROWN IN FLORIDA

ORDER TERMINATING LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945), regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the termination of the limitation of shipments as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this termination order later than June 13, 1958 (5 U. S. C. 1001 et seq.) in that: (i) The time intervening between the date when information upon which this termination order is based became available and the time when this termination order must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, then would otherwise prevail, will be promoted by terminating regulations applicable to shipments of tomatoes, in the manner set forth below, on and after the effective date hereof; (iii) compliance with this termination order will not require any special preparation on the part of handlers which cannot be completed by the effective date; (iv) information regarding the committee's recommendations has been made available to producers and handlers in the production area; and (v) this order relieves restrictions on the handling of tomatoes grown in the production area during the period from the effective date hereof until June 30, 1958.

Order terminated. The provisions of § 945.304, as amended (22 F. R. 7984, 10211) are hereby terminated as of June 13, 1958.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 12, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 58-4604; Filed, June 17, 1958; 8:48 a. m.]

Subchapter B—Prohibitions of Imported Commodities

PART 1065—TOMATOES

ORDER TERMINATING TOMATO IMPORT REGULATION

Pursuant to the requirement contained in section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), Tomato Regulation No. 3 (§ 1065.3; 22 F. R. 8897), is hereby terminated as of June 13, 1958.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this termination of regulation beyond that herein specified (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this termination order are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which makes such termination mandatory; (ii) termination of regulations imposed on domestic shipments of tomatoes under Marketing Agreement No. 125 and Order No. 45 (7 CFR 945.304; 22 F. R. 10211, 7984); will become effective June 13, 1958, (iii) compliance with this tomato import regulation should not require any special preparation by importers which cannot be completed by the effective date; (iv) this order terminates restrictions on the importation of tomatoes which would be imposed by Tomato Regulation No. 3 (§ 1065.3; 22 F. R. 8897), if it were not terminated.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interprets or applies sec. 401, 68 Stat. 906, 1047; 7 U. S. C. 608e)

Dated: June 12, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 58-4605; Filed, June 17, 1958; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6788]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MID-TEX CORP. ET AL.

Subpart—Advertising falsely or misleadingly: § 13.155 Prices: Bait.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 46) [Cease and desist order. Mid-Tex Corporation (Brooklyn, N. Y.) et al., Docket 6788, May 8, 1958]

In the Matter of Mid-Tex Corporation, a Corporation, Apex Window Company, Inc., a Corporation, and Arnold Semenoff and Sidney Tobinick, Individually and as Officers of Said Corporations, Martin Austin and Jack Rachell, Individually and as Copartners Trading as Martin Window Company, Famous Window Company of Pennsylvania, a Corporation, and Harold Brown and Jesse Kessler, Individually and as Officers of Said Corporation, Famous Window Co., Inc., a Corporation, and Oscar J. Reiss and Sam Spector, Individually and as Officers of Said Corporation, Ace Window Company of Missouri, Inc., a Corporation, and Dolph Greene, Albert H. Nadler and Herbert Armstrong, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging several associated corporations and a partnership, engaged in the sale of aluminum combination storm windows and screens from their various locations in Brooklyn, N. Y., Detroit, Mich., Pittsburgh, Pa., and Kansas City, Mo., with bait advertising in newspapers and by radio and television made to obtain leads to prospective purchasers to whom they attempted to, and frequently did, sell much higher priced storm windows and screens, disparaging the advertised products to induce cancellation of purchase orders therefor and subsequent purchase of the higher priced products.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist and dismissing the complaint as to certain individual respondents. Upon consideration, the Commission determined that such dismissal departed from the order agreed upon by the parties, eliminated that provision of the order, and on May 8 adopted the initial decision as so modified as the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent, Famous Window Company of Pennsylvania, a corporation, and its officers and respondents, Harold Brown and Jesse Kessler, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of storm windows, screens or any other home improvement products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Representing, directly or by implication, that certain storm windows, screens or any other home improvement products are offered for sale when such offer is not a bona fide offer to sell such storm windows, screens or other home improvement products.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is further ordered, That the respondents, Famous Window Company of Pennsylvania, a corporation, and Harold Brown and Jesse Kessler, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this decision, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in the aforesaid initial decision as modified.

Issued: May 8, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4591; Filed, June 17, 1958; 8:45 a. m.]

[Docket 6991]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GOLDRING INC.

Subpart—Advertising falsely or misleadingly: § 13.155 Prices: Exaggerated as regular and customary. Subpart—concealing, obliterating, or removing law-required and informative marking: § 13.516 Fur products tags or identification. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely: Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1280 Price. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition: Fur Products Labeling Act; § 13.1852 Formal regulatory and statutory requirements: Fur Products Labeling Act; § 13.1865 Manufacture or preparation: Fur Products Labeling Act; § 13.1900 Source or origin: Fur Products Labeling Act; Place.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order. Goldring, Inc., New York, N. Y., Docket 6991, May 8, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in New York City with violating the Fur Products Labeling Act by using fictitious prices in newspaper advertisements and on labels and failing to maintain adequate records as a basis for such advertised prices; by failing in advertising to reveal the names of fur-producing animals, the country of origin of imported furs, or that certain furs were artificially colored; by mutilating attached labels; and by failing in other respects to comply with the labeling and invoicing requirements of the act.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 8 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Goldring, Inc., a corporation and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

(1) Representing on labels affixed to the fur products or in any other manner, that certain amounts are its regular and usual prices of fur products when such amounts are in excess of the prices at which respondent usually and customarily sold such products in the recent regular course of its business.

(2) Failing to affix labels to fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed by the rules and regulations promulgated under the Fur Products Labeling Act;

b. That the fur product contains or is composed of used fur, when such is the fact;

c. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

e. The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

f. The name of the country of origin of any imported furs used in the fur product.

(3) Setting forth on labels attached to fur products:

a. Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with non-required information.

b. Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder in handwriting.

(4) Failure to show on labels attached to fur products an item number or mark assigned to fur products as required by Rule 40 (a) of the rules and regulations (§ 301.40 (a)).

B. Mutilating or participating in the mutilation of labels required by the Fur Products Labeling Act to be affixed to fur products, prior to the time any fur product is sold and delivered to the ultimate consumer.

C. Falsely or deceptively invoicing fur products by:

(1) Failure to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is the fact;

c. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

e. The name and address of the person issuing such invoice;

f. The name of the country of origin of any imported furs, contained in a fur product.

(2) Setting forth information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form.

D. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

(1) Fails to disclose:

a. The name or names of the animal or animals which produced the fur or furs contained in the fur products, as set forth in the Fur Products Name Guide and as prescribed under the said rules and regulations;

b. That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

c. The name of the country of origin of any imported furs contained in a fur product;

d. All the information required under section 5 (a) of the Fur Products Labeling Act and the rules and regulations thereunder in close proximity with each other and in type of equal type and conspicuousness.

(2) Represents directly or by implication that its regular or usual price of any fur product, is any amount which is in excess of the price at which the respondent has usually and customarily sold such products in the recent and regular course of its business.

(3) Represents directly or by implication through percentage savings claims, that its regular or usual retail prices charged by respondent for fur products in the recent regular course of its business, are reduced in direct proportion to the amounts of savings stated, when contrary to the fact.

E. Making price claims and representations of the types referred to in paragraphs D2 and D3 above unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based.

"By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent, Goldring, Inc. (incorrectly identified in the complaint as Goldring's, Inc.), herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 8, 1958.

By the Commission.

[SEAL]

ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-4592; Filed, June 17, 1958;
8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amtd. 76]

PART 1690—DETERMINATION OF AVAILABILITY OF MEMBERS OF THE STANDBY RESERVE OF THE ARMED FORCES FOR ORDER TO ACTIVE DUTY

MISCELLANEOUS AMENDMENTS

The Selective Service Regulations are hereby amended as follows:

1. Section 1690.9 is revoked.

2. Section 1690.11 is amended to read as follows:

§ 1690.11 *Determination of availability and category.* In determining the availability of a reservist for order to active duty and his category, consideration shall be given to (a) the information contained in his Standby Reserve Questionnaire (SSS Form No. 80), (b) such other written information as may be contained in his standby reserve folder and, if he is a registrant, in his Cover Sheet (SSS Form No. 101), and (c) current instructions issued by the Director of Selective Service.

3. Section 1690.12 is amended to read as follows:

§ 1690.12 *Category I-R: Reservist available for order to active duty.* In Category I-R shall be placed every reservist who is found to be available for order to active duty. No reservist shall be found to be available when the Selective Service System has been unable to obtain sufficient information concerning his status to establish that he is available for order to active duty.

4. The headnote and paragraph (a) of § 1690.14 are amended to read as follows:

§ 1690.14 *Category III-R: Reservist not available for order to active duty by reason of extreme hardship to dependents.* (a) In Category III-R shall be placed any reservist who is found to be not available for order to active duty solely because his performance of active duty in the Armed Forces in time of war or national emergency declared by the Congress would result in extreme hardship (1) to the reservist's husband, wife,

divorced wife, child, parent, grandparent, brother, or sister who is dependent upon the reservist for support, or (2) to a person under 18 years of age or a person of any age who is physically or mentally handicapped whose support the reservist has assumed in good faith: *Provided*, That a person shall be considered to be a dependent of a reservist under this paragraph only when such person is either a citizen of the United States or lives in the United States, its Territories, or possessions.

5. The following new section is added to Part 1690 immediately following § 1690.14:

§ 1690.14a *Category IV-R: Reservist not found available for order to active duty who is not eligible for another category.* In Category IV-R shall be placed any reservist who is not found to be available for order to active duty and who is not eligible for either Category II-R or Category III-R.

6. Paragraph (a) and paragraph (b) (5) of § 1690.16 are amended to read as follows:

§ 1690.16 *Appeal to appeal board.* (a) Except as otherwise provided in this section, an appeal to the appeal board from a determination by the local board that the reservist is available for order to active duty or from a determination by the local board that the reservist is not so available may be taken, processed, and determined in the same manner, under the same conditions, and in accordance with the same procedures as are prescribed in Part 1626 of this chapter with respect to an appeal from a classification of a registrant by the local board: *Provided*, That no such appeal may be taken from a determination by the local board of the category of the reservist.

(b) * * *

(5) Any person who requests that the reservist be found not available for order to active duty because of his current civilian occupation.

7. The introductory text of § 1690.19 preceding paragraph (a) is amended to read as follows:

§ 1690.19 *Notification and recording of availability and category.* As soon as practicable after the local board has determined or redetermined the reservist's availability and category and also after the local board receives notice of the determination of a reservist's case by the appeal board or the Director of Selective Service, the local board shall:

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460. Interpret or apply sec. 233, 66 Stat. 489, as amended; 50 U. S. C. 961; E. O. 9979, 13 F. R. 4177; 3 CFR, 1948 Supp.)

The foregoing amendments to the Selective Service Regulations shall become effective upon filing with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

JUNE 13, 1958.

[F. R. Doc. 58-4594; Filed, June 17, 1958;
8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 8-8]

[Docket No. 12403; FCC 58-573 (Corrected)]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

EXCEPTION OF CERTAIN RADIO TRANSMITTERS FROM SPURIOUS EMISSION LIMITATIONS AND FROM TYPE ACCEPTANCE REQUIREMENTS

In the matter of amendment of Part 8 of the Commission's rules to permit radio transmitters leased by the same lessor and licensed prior to June 1, 1958, to be excepted from spurious emission limitations and from type acceptance requirements until after June 1, 1963.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of June 1958;

The Commission having under consideration the amendment of Part 8 so as to include leased transmitters, licensed prior to June 1, 1958 (subsequently extended to January 1, 1959), among the radio equipments which do not have to meet the spurious emission limitations or type acceptance requirements until authorized by initial or renewal license after June 1, 1963;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter, which made provision for the submission of written comments by interested parties was duly published in the FEDERAL REGISTER on April 24, 1958 (23 F.R. 2744) and the period for filing comments has now expired; and

It further appearing that no comments or objections to the proposal were received in the subject docket; and

It further appearing that subsequent to the issuance of the proposal in this docket, the Commission, by order of May 8, 1958 (FCC 58-442) amended Part 8 of the rules to extend the effective date of type acceptance requirements and spurious emission limitations, for transmitters licensed to operate on frequencies below 30 Mc, to January 1, 1959, and therefore the subject proposal has been editorially revised to reflect that date; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (e) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective July 21, 1958, Part 8 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1062, as amended; 47 U. S. C. 303)

Released: June 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 8.136 (d) is amended by adding a new subparagraph (5) as follows:

(5) Other radio transmitters leased for operation on board a vessel and licensed for operation on any frequency assignment below 30 Mc prior to January 1, 1959, which are subsequently leased by the same lessor for use by a station or stations on board another vessel or other vessels until they are authorized in a new or renewed station license issued in response to an application filed after June 1, 1963.

2. In § 8.139 (a) delete subparagraph (2) and substitute the following therefor:

(2) Effective January 1, 1959, to transmitters when operating on any frequency assignment, including any assignment below 30 Mc. However, until requested to be authorized in a new or renewal license issued in response to an application filed after June 1, 1963, transmitters licensed under this part prior to January 1, 1959, may (insofar as this requirement is concerned) continue to be authorized for operation on any frequency assignment below 30 Mc if authorized in a station license issued to the same licensee or for a station on board the same vessel, or if under lease and authorized in a station license prior to January 1, 1959, and subsequently leased by the same lessor for a station or stations on board another vessel or other vessels.

[F. R. Doc. 58-4623; Filed, June 17, 1958; 8:52 a. m.]

[Docket No. 12406; FCC 58-573]

[Rules Amdt. 16-29]

PART 16—LAND TRANSPORTATION RADIO SERVICES

AUTOMOBILE EMERGENCY RADIO SERVICE; FREQUENCY COORDINATION

In the matter of amendment of § 16.9 of Part 16, Land Transportation Radio Services, to delete the exception provided for certain applicants in the Automobile Emergency Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of June 1958;

The Commission having under consideration amendment of § 16.9 of its rules governing the Land Transportation Radio Services to delete the exception provided applicants who are associations of owners of private automobiles to the requirements of frequency coordination contained in that section, inasmuch as the reason for the exception is no longer applicable; and

It appearing that the Commission on April 23, 1958, adopted a notice of proposed rule making in this matter which was published in the FEDERAL REGISTER on May 1, 1958 (23 F.R. 2942) in accordance with section 4 (a) of the Administrative Procedure Act; and

It further appearing that the period in which interested persons were afforded an opportunity to submit comments with respect thereto has expired; and

It further appearing that no comments either in support of or in opposition to the Commission's proposal have been received; and

It further appearing that the public interest and necessity will be served by the amendment herein ordered, that authority therefor is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended;

It is ordered, That effective July 15, 1958, § 16.9 is amended as set forth below. (Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1062, as amended; 47 U. S. C. 303)

Released: June 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 16.9 by deleting the phrase "Except for applications in the Automobile Emergency Radio Service proposing to use a frequency made available under provisions of § 16.503 (b)" from the first paragraph. As amended, the portion of § 16.9 preceding subparagraph (a) will read as follows:

§ 16.9 Frequency coordination. Each application requesting assignment of a frequency not currently authorized for use by that station shall be accompanied by a statement as evidence that applicant is aware of and has complied with the requirement that he cooperate with other licensees in the selection of a frequency. This statement may be submitted in any one of the following forms, but any recommendations submitted in connection therewith are purely advisory in character and cannot be considered as binding upon the Commission: * * *

[F. R. Doc. 58-4623; Filed, June 17, 1958; 8:52 a. m.]

[Docket No. 12169; Rules Amdt. 16-29]

PART 16—LAND TRANSPORTATION RADIO SERVICES

AUTOMOBILE EMERGENCY RADIO SERVICE; USE OF CERTAIN FREQUENCIES

In the matter of amendment of Parts 2, 6, 7, 8, 9, 10, 11 and 16 of the Commission's rules to reduce separation between assignable frequencies in the 42-50 Mc band, to effect changes in the 25-50 Mc and 150.8-152 Mc bands, and to effect other changes relating to the use of frequencies in the 25-50 Mc band. Docket No. 12169.

The Commission having under consideration the First Report and Order in the above-entitled matter (FCC 57-1393) adopted December 18, 1957; and

It appearing that under the terms of the subject Report and Order, Part 2 of the Commission's rules was amended as set forth therein, and that Parts 6, 7, 8, 9, 10, 11, and 16 of such rules were amended to conform to the frequency-availability changes indicated therein, the formal codification of such latter changes to be accomplished by subsequent orders of the Commission; and

It further appearing that the formal codification of the changes herein or-

dered in Part 16 of the Commission's rules is in addition to that contained in the Commission's Supplemental Order Number One—Part 16 (Mimeo No. 54489) released January 27, 1958, and conforms without any substantive change, to the frequency-availability changes already ordered in the text and tabulations of the First Report and Order above-described, and are, therefore, editorial in nature, requiring no further public notice of rule making thereon; and

It further appearing that the amendments to Part 16 ordered herein should be made effective immediately; and

It further appearing that authority for the amendments herein ordered is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Delegation of Authority;

It is ordered, This 10th day of June 1958, that effective June 10, 1958, Part 16 of the Commission's rules, Land Transportation Radio Services, is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1062, as amended; 47 U. S. C. 303)

Released: June 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION.

[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 16.503 by the addition of a new paragraph (e) to read as follows:

(e) Persons authorized in the Automobile Emergency Radio Service prior to April 1, 1958 to use either the frequency 35.70 Mc or 35.98 Mc may continue to operate on such frequency until March 31, 1963. During this period such persons may modify, renew, reinstate, or

assign their licenses in those cases where such assignment accompanies a change of ownership of the licensee's business to the assignee; however, they will not be authorized to expand their facilities by the addition of new base or fixed stations.

[F. R. Doc. 58-4621; Filed, June 17, 1958; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 924]

PART 95—CAR SERVICE

AUTHORIZATION TO BALTIMORE AND OHIO RAILROAD CO. TO OPERATE OVER CERTAIN TRACKAGE OF MARYLAND AND PENNSYLVANIA RAILROAD CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of June A. D. 1958.

It appearing that the Baltimore and Ohio Railroad Company has asked the right to perform service over a portion of the Maryland and Pennsylvania Railroad Company's trackage situated in Baltimore, Maryland, consisting of 4,550 feet of main line trackage, 1,250 feet of connecting line trackage, and 350 feet of industrial trackage. The Commission is of the opinion that there is need for service over this line of the railroad formerly operated by the Maryland and Pennsylvania Railroad Company and that operation of this line will best promote the service in the interest of the public and the commerce of the people; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice: It is ordered, that:

§ 95.924 *Baltimore and Ohio Railway Company*—(a) *Car service*. The Baltimore and Ohio Railroad Company be, and it is hereby authorized to perform service over the tracks of the Maryland and Pennsylvania Railroad Company situated in and about Baltimore, Maryland, consisting of 4,550 feet of main line trackage, 1,250 feet of connecting line trackage, and 350 feet of industrial trackage in order to serve the public and the commerce of the people.

(b) *Application*. The provisions of this section shall apply to intrastate and foreign traffic as well as interstate traffic.

(c) *Effective date*. This section shall become effective at 12:01 a. m., June 14, 1958.

(d) *Expiration date*. The provisions of this section shall expire at 11:59 p. m., December 14, 1958, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that copies of this order and direction shall be served upon the Public Service Commission of Maryland and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4613; Filed, June 17, 1958; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 902]

[Docket No. AO-293]

MILK IN WASHINGTON, D. C., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO A RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision, with respect to the proposed marketing agreement and order, regulating the handling of milk in the Wash-

ington, D. C. marketing area which was issued May 26, 1958 (23 F. R. 3719; F. R. Doc. 58-4052) is hereby further extended to July 2, 1958.

Dated: June 13, 1958.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 58-4617; Filed, June 17, 1958; 8:50 a. m.]

Agricultural Research Service

[9 CFR Part 151]

HORSES

RECOGNITION OF BREEDS AND BOOKS OF RECORDS OF PUREBRED ANIMALS

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority vested in him by paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U. S. C. and Supp., sec.

1201, par. 1606), proposes to recognize the book of record of purebred horses entitled "Holsteinisches Gestütbuch" sponsored by the Verband der Züchter des Holsteiner Pferdes e. V., Elmshorn, Germany, of which Herr H. Horstmann is Secretary, and to amend the regulations governing the recognition of breeds and books of record of purebred animals by adding the name of the stud book to the list of books of record named in 9 CFR 151.9 (a), as amended, under the subheading "Horses".

Notice is also hereby given that pursuant to the said paragraph 1606, it is proposed to amend or revise the opening paragraph of § 151.9 (a) of the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR 1957 Supp; 151.9 (a); 23 FR 3114) to read as follows:

§ 151.9 *Recognized breeds and books of record.* . . .

(a) *Breeds and books of record in countries other than Canada.* Books of

the registry associations listed below are recognized for the following breeds: *Provided*, That no Belted Galloway cattle, horse of the Criolla, Fjordhest (formerly known as Westland), Holstein, Shetland Pony or Welsh Pony and Cob breed, dog or cat registered in any of the books named shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the appropriate association listed below, is submitted for such animal.

The proposed change in the opening paragraph of § 151.9 (a) would add the Holstein breed of horses to the list of breeds of animals which will not be certified by the Animal Inspection and Quarantine Division of the Agricultural Research Service, United States Department of Agriculture, as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved is submitted for such animal.

Any person who wishes to submit written data, views, or arguments concerning the proposed action may do so by filing them with the Director of the Animal Inspection and Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within fifteen days after the date of publication of this notice in the *FEDERAL REGISTER*.

Done at Washington, D. C., this 13th day of June 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-4619; Filed, June 17, 1958;
8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11986]

TELEVISION BROADCAST STATIONS; TELEVISION REFERENCE TEST SIGNAL

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of Part 3 of the Commission's rules and regulations concerning Television Broadcast Stations to Authorize or Require a Television Reference Test Signal.

1. The Commission has before it for consideration a request filed June 9, 1958, by the Electronic Industries Association (EIA) for extension of time from June 13, 1958, to July 11, 1958, in which to file comments in this proceeding.

2. In support of its request, EIA states that, through its Broadcast Television Systems Committee, it has been carrying on an intensive study of the problems presented in this rule-making and that it now finds that these studies can not be completed by June 13, 1958, but will be terminated in time for the preparation of comments by July 11, 1958.

3. The Commission believes that good cause for an extension of time for filing comments in this proceeding has been

established and that such extension will serve the public interest, convenience, and necessity, and will not unduly delay the proceeding.

4. In view of the foregoing: *It is ordered*, That the aforesaid petition of the Electronics Industries Association is granted; that the time for filing comments is extended from June 13, 1958, to July 11, 1958, and that the time for filing reply comments is extended from July 13, 1958, to August 13, 1958.

Adopted: June 13, 1958.

Released: June 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4624; Filed, June 17, 1958;
8:52 a. m.]

[47 CFR Part 3]

[Docket No. 12483; FCC 58-567]

CERTAIN TELEVISION BROADCAST STATIONS IN WISCONSIN AND MICHIGAN; TABLE OF ASSIGNMENTS

NOTICE OF PROPOSED RULE MAKING AND ORDERS TO SHOW CAUSE

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Milwaukee, Beaver Dam and Chilton, Wisconsin; Ludington, Michigan).

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has under consideration a problem involving interference to the reception of television broadcast stations operating in the UHF television band, caused by the radiation of radio frequency energy by the local oscillator employed in conventional VHF television receivers. In adopting engineering standards to govern the assignment of UHF television broadcast channels, the Commission took into consideration certain types of potential interference which might originate in sources other than licensed radio stations. Among these possible sources is the radiation of radio frequency energy by the local oscillator employed in conventional UHF television receivers. In order to minimize interference of this nature as well as other forms of interference which might result from spurious responses of conventional UHF television receivers, the Table in § 3.698 of the rules, which specifies a required minimum geographic separation between television broadcast stations operating on channels having a frequency relationship conducive to the creation of such interference, was adopted. Since the fundamental frequency of the local oscillator employed in conventional VHF television receivers does not fall within the UHF television band, it was not deemed necessary to consider that as a source of potential interference.

3. There is considerable evidence now available to indicate that the second harmonic of the local oscillator in conventional VHF television receivers, and

possible higher orders of harmonics, are capable of causing harmful interference to the reception of UHF television stations. Such a condition has developed in Milwaukee, Wisconsin where Station WISN-TV operates on Channel 12 and Station WXIX operates on Channel 19. The fundamental frequency of the local oscillator in VHF television receivers which employs the commonly used intermediate frequency of nominally 42 Mc, when tuned to Station WISN-TV falls on approximately 251 Mc. The second harmonic of these oscillators is radiated on approximately 502 Mc which is within Channel 19 (500-506 Mc), occupied by Station WXIX in Milwaukee. Although the total amount of radio frequency power developed by such local oscillators is small, they are capable of producing fields in the immediate vicinity strong enough to cause harmful interference to receivers tuned to Station WXIX. Surveys made by CBS in Milwaukee indicate that the interference effects of such fields extends over an average distance of 180 feet from each of the offending receivers.

4. The Commission is of the view that interference from this source may be sufficiently serious to warrant its being taken into account in the engineering standards governing the assignment of television channels. However, further studies will have to be conducted before suitable mileage criteria can be established. Meanwhile, it is apparent that existing situations such as the one in Milwaukee should be corrected wherever practicable. The simplest way to accomplish this in Milwaukee is to change the channel assigned to WXIX. This will necessitate certain other changes in the Table of Assignments.

5. Accordingly, it is proposed to amend § 3.606 of the Commission's rules, Table of Assignments, Television Broadcast Stations, in the following respect:

City	Channel No.	
	Present	Proposed
Ludington, Mich.	18+	33
Beaver Dam, Wis.	37	31-
Chilton, Wis.	*24+	*24+
Milwaukee, Wis.	4, *10+, 12, 19-, 23, 31-	4, *10+, 12, 15+, 24+, 30

6. The channels proposed to be changed in Ludington, Beaver Dam, and Chilton are not assigned to any television station. Channel 19— is assigned to WXIX which is operated by CBS in Milwaukee. Lou Poller (WCAN-TV) and Business Management, Inc. (WFOV-TV), hold construction permits for Channels 25 and 31—, respectively. Neither WCAN-TV nor WFOV-TV is in operation. In implementation of our proposal we are ordering the licensee of Station WXIX and the permittees of Stations WCAN-TV and WFOV-TV to Show Cause why their outstanding authorizations should not be changed to specify operation on Channels 18+, 24+, and 30, respectively.

7. Authority for the adoption of the amendments proposed herein is contained in section 4 (1), 301, 303 (c), (d), (f) and (r), and section 307 (b)

of the Communications Act of 1934, as amended.

8. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before July 14, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

9. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished to the Commission.

10. It is ordered, That, pursuant to the provisions of sections 303 (f) and 316 of the Communications Act of 1934, as amended:

(a) Columbia Broadcasting System, Inc., is ordered to show cause why its authorization for Station WXIX on Channel 19— at Milwaukee, Wisconsin, should not be modified to specify operation on Channel 18+.

(b) Lou Poller is ordered to show cause why its authorization for Station WCAN-TV on Channel 25 at Milwaukee, Wisconsin, should not be modified to specify operation on Channel 24+.

(c) Business Management, Inc. is ordered to show cause why its authorization for Station WFOX-TV on Channel 31— at Milwaukee, Wisconsin, should not be modified to specify operation on Channel 30.

11. Responses to the Show Cause Orders issued herein should be filed on or before July 14, 1958. If a respondent consents to the proposed modification of its authorization, it will be helpful if the response includes all data necessary for the preparation of engineering specifications covering the modified authorization.

12. It is further ordered, That each respondent should file an original and 14 copies of its response, and should indicate therein whether or not it requests a hearing in the matter, and if so, whether it intends to appear and present evidence at such hearing on the matters specified herein and in said response.

13. It is further ordered, That failure to file a response by July 14, 1958, shall be deemed consent by the respondent to the modification of its authorization as proposed and a final order will issue accordingly.

14. It is further ordered, That failure to indicate in said response that respondent requests a hearing will be deemed a waiver of its right to a hearing, and if the response is filed and the right to request a hearing has been waived by respondent, the Commission may, depending upon the facts alleged and proof offered, either call upon respondent to furnish additional information under oath, designate

the matter for hearing on its own motion or issue without further proceedings an order modifying respondents' authorizations, as proposed herein.

Adopted: June 11, 1958.

Released: June 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4625; Filed, June 17, 1958;
8:52 a. m.]

[47 CFR Part 3]

[Docket No. 12484; FCC 58-568]

TELEVISION BROADCAST STATIONS, PEMBINA,
N. DAK.; TABLE OF ASSIGNMENTS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 3.606 Table of assignments, Television Broadcast Stations (Pembina, North Dakota).

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed April 18, 1958, and amended May 16, 1958, by Community Television Corporation, for rule making to amend the television Table of Assignments contained in § 3.606 of the Commission's rules and regulations, so as to add Channel 12 to Pembina, North Dakota, a community not presently listed in the Table.

3. Community Television urges that the proposed assignment can be made in full compliance with all the rules and standards; that it would provide a first television service to a large and important farming area; and that a VHF facility is necessary for technical and economic reasons to serve this sparsely settled area.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views and relevant data.

5. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (e), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before July 14, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of

all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 11, 1958.

Released: June 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4626; Filed, June 17, 1958;
8:53 a. m.]

[47 CFR Part 12]

[Docket No. 12485; FCC 58-571]

AMATEUR RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendments of § 12.111 of the Commission's rules, Amateur Radio Service, to provide that only A1 emission may be used in the lower 100 kilocycles of the 50 and 144 Mc amateur bands.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The Commission has received a petition filed by the American Radio Relay League, Inc., to amend §§ 12.111 (h) and 12.111 (i) of the Amateur Radio Service Rules to provide that only A1 emission may be used in the lower 100 kc of the 50 to 54 and 144 to 148 Mc amateur bands.

3. The Rules now provide for the use of A1, A2, A3, and A4 emissions and narrow band frequency or phase modulation for radiotelephony in the pertinent portion of the 50 to 54 Mc band. In the 144 to 148 Mc band and Rules now provide for the use of A0, A1, A2, A3, and A4 emission and special emission for frequency modulation.

4. In support of the request petitioner states that the contributions of amateurs to the general knowledge of VHF propagation characteristics are a matter of record; that nearly 1,000 amateurs are enrolled in an intensive project as part of the International Geophysical Year program to gather further data on propagation phenomena; that long-distance amateur contacts contribute to such knowledge and that A1 emission is a more effective medium for long-distance communication than is A3; and that such long-distance communication attempts should be given every opportunity for success. Petitioner further states:

The League's proposal * * * stems from a need to provide experimentally-inclined amateurs the proper tools with which to accomplish successfully the studies they are undertaking, particularly in connection with the IGY.

Petitioner, in justification of its selection of the lower 100 kc of the involved bands for exclusive use of A1 emission, states:

In the case of the 50-mc. band, there is technical justification for selection of the low end for the exclusive c. w. segment. For example, in F-2 layer work, such as is now going on widely as the result of the current solar activity peak, and (although not quite to the same extent), in sporadic-E propagation, the lower the frequency the better the chance of making distant contacts. In the case of the 144-mc. band, the location of

a proposed c. w. segment is not subject to the same technical justification, and our selection of the low end is purely a matter of consistency with other amateur band suballocations.

5. The sought amendments would result in the removal from other than A1 emission of only two and one-half percent of each of the amateur bands in question and would therefore not appear to materially affect the present usage of these bands. Furthermore, the proposal is generally consistent with the availability, from a historical standpoint, of all bands for A1 emission and only some bands for other types of emission.

6. Accordingly, the Commission proposes to amend §§ 12.111 (h) and 12.111 (i) as set forth below.

7. Authority for the amendments herein proposed is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

8. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this pro-

posal may file with the Commission on or before Aug. 29, 1958, a written statement or brief setting forth his comments. Replies to such comments may be filed within 10 days from the last date for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

9. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 11, 1958.

Released: June 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend § 12.111 as follows:

Amend § 12.111 (h) and (i) to read as follows:

(h) 50.0 to 54.0 Mc using type A1 emission. 50.1 to 54.0 Mc using types A2, A3, and A4 emissions and narrow band frequency or phase modulation for radiotelephony, 51.0 to 54.0 Mc using type A9 emission, and on frequencies 52.5 to 54.0 Mc special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(i) 144.0 to 148.0 Mc using type A1 emission. 144.1 to 148.0 Mc using types A9, A2, A3, and A4 emissions and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

[F. R. Doc. 58-4627; Filed, June 17, 1958; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 42]

MINERAL LEASES AND PERMITS; REPEALS REDELEGATION OF AUTHORITY

Order 551, as amended, is further amended as hereinafter indicated.

1. Section 16 is revised to read as follows:

SEC. 16. *Mineral leases and permits.*
(a) The granting of permission to negotiate permits and leases of tribal and individually owned trust or restricted lands for coal, sand, gravel, pumice, and building stone, and the approval of permits and leases for coal, sand, gravel, pumice, and building stone.

(b) The approval of oil and gas leases, on forms approved by the Commissioner of Indian Affairs, of tribal lands and of trust or restricted individually owned lands in accordance with advertisements soliciting bids therefor and pursuant to 25 CFR Parts 171, 172, 173, and 174.

(c) The approval of tribal and allotted prospecting permits including those with a preferential right to a lease, tribal mining leases and allotted mining leases, on forms approved by the Commissioner of Indian Affairs, for minerals other than those specified in (a) and (b), covering tribal land and trust or restricted individually owned land, pursuant to 25 CFR Parts 171, 172, 173, 174, and 176 provided that the royalty rates have been approved by the Commissioner of Indian Affairs.

(d) The execution and approval of mining leases, in accordance with the provisions of 25 CFR Part 171, on the

Chillicothe School Reservation lands, pursuant to the act of June 21, 1906 (34 Stat. 325, 362).

(e) The execution and approval of mining leases, in accordance with the provisions of 25 CFR Part 174, for and on behalf of the United States, as trustee, of mineral lands acquired by or for Indians under the act of June 26, 1936 (49 Stat. 1967).

(f) The execution of mining leases on behalf of the United States, in accordance with the provisions of 25 CFR Part 171, where the title to the mineral estate has been acquired by the United States by purchase with funds appropriated under grants of authority referred to in section 7 of the act of June 26, 1936 (49 Stat. 1967).

(g) The approval of Osage oil and gas leases pursuant to 25 CFR Part 183.

(h) The approval of Navajo tribal prospecting, drilling, and exploration permits and mining permits covering uranium and other minerals associated with it, assignments of such permits, and bonds given to secure the permits, on forms approved by the Commissioner of Indian Affairs, pursuant to 25 CFR Part 171, including the approval or other administrative action required on all assignments of the permits now or hereafter in force on Navajo tribal lands and bonds required in connection with such permits.

(i) The authority conferred by this section extends to and includes the approval or other appropriate administrative action required on all subleases, assignments of mining permits or mineral leases now or hereafter in force on tribal and restricted allotted lands, bonds, and other instruments required in connection with such leases, subleases, permits or

assignments, the acceptance of voluntary surrender of leases by lessees, cancellation of leases for violation of terms thereof, approval of agreements for settlement of claims for damages to Indian lands resulting from oil and gas or other mineral operations, unit and communitization agreements by the Area Directors at Anadarko, Gallup and Muskogee, and well-spacing orders of the Oklahoma Corporation Commission submitted for approval under authority of section 11 of the act of August 4, 1947 (61 Stat. 751).

(j) The authority delegated in this section does not include:

(1) The approval of leases of ceded or surplus lands unless title thereto has been restored to the tribe, or the leasing of such lands is authorized by a specific statute.

(2) Approval of leases on lands purchased or reserved for agency or school purposes.

(3) Approval of leases, assignments and bonds on any forms except those approved by the Commissioner of Indian Affairs.

(4) Modification of any forms approved by the Commissioner of Indian Affairs.

(5) Approval of amendments to oil and gas and other mining leases or to assignments.

(6) Extension of time for drilling.

(7) Approval of instruments providing for the payment of overriding royalty.

(8) Approval of unit and communitization agreements except by the Area Director, Anadarko, Gallup and Muskogee.

(9) Assignments of separate horizons.

2. Section 400 *Repeals* is amended by the addition of the following:

Section 20.
Section 21.
Section 22.
Section 23.
Section 27.

GLENN L. EMMONS,
Commissioner.

JUNE 12, 1958.

[P. R. Doc. 58-4589; Filed, June 17, 1958;
8:45 a. m.]

Bureau of Land Management

CHIEF, MINERALS ADJUDICATION UNIT, AND
CHIEF, LANDS ADJUDICATION UNIT,
MONTANA LAND OFFICE

REDELEGATION OF AUTHORITY TO TAKE ACTION

JUNE 10, 1958.

Pursuant to the authority contained in Bureau Order No. 541, as amended, authority to take action for the Manager in matters listed in section 3.6, Part III-A of the above cited order, is redelegated to the Chief, Minerals Adjudication Unit of the Montana Land Office; also authority to take action for the Manager in matters listed in section 3.9, Part III-A of the above cited order, is redelegated to the Chief, Lands Adjudication Unit of the Montana Land Office.

This authorization will not affect the exercise of authority already held by the Land Office Manager.

THEO E. ANHDER,
Manager,
Montana Land Office.

Approved: June 10, 1958.

R. D. NIELSON,
State Supervisor.

[P. R. Doc. 58-4590; Filed, June 17, 1958;
8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CHIEF, FOREST SERVICE, ET AL.

DELEGATION OF AUTHORITY FOR PROCUREMENT OF ENGINEERING SERVICES BY CONTRACT

Pursuant to the authority vested in the Secretary of Agriculture by the Administrator, General Services Administration, under date of May 26, 1958 (23 F. R. 3844), authority is delegated to the Chief, Forest Service, with authority to redelegate to Regional Foresters and Acting Regional Foresters, and authority is delegated to the Administrator, Soil Conservation Service, with authority to redelegate to officials of the Soil Conservation Service, to negotiate contracts without advertising pursuant to section 302 (c) (4) and (9) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, for the following operations:

Forest Service: For professional engineering services required for all roads, trails, bridges, dams, buildings, cadastral surveys, landscapes, architectural and

related professional engineering services such as planning and design of camp grounds, picnic areas, trailer parks, observation points, and playgrounds, together with necessary structures, water, sanitation and other facilities that are involved in programs of the Forest Service.

Soil Conservation Service: For professional engineering services incident to the construction of dams, channels, silting basins and other water use and control structures in connection with the watershed and flood prevention programs of the Soil Conservation Service.

Operating procedures previously approved by the Director, Office of Plant and Operations, shall be applicable to these delegations.

The authority hereby delegated shall be exercised in accordance with the requirements of the above titled act and the delegation of authority of the Administrator, General Services Administration, and shall not extend beyond July 1, 1959. The prior delegations of authority on the same subject to the Chief, Forest Service, and the Administrator, Soil Conservation Service, dated May 10, 1957 (22 F. R. 3423), are hereby superseded.

Done at Washington, D. C., this 13th day of June 1958.

[SEAL] RALPH S. ROBERTS,
Administrative Assistant Secretary.

[P. R. Doc. 58-4620; Filed, June 17, 1958;
8:51 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-98]

UNIVERSITY OF DELAWARE

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue the following facility license to the University of Delaware, Newark, Delaware, unless within fifteen (15) days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). For further details see (1) the application submitted by the University of Delaware, and (2) a memorandum prepared by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 12th day of June 1958.

For the Atomic Energy Commission.

H. L. PRICE,
*Director, Division of
Licensing and Regulation.*

PROPOSED UTILIZATION FACILITY LICENSE

1. The University of Delaware, Newark, Delaware, filed an application dated March 19, 1958 (hereinafter referred to as "the application") to acquire, possess, and operate a nuclear reactor designated as Model AGN-201, Serial No. 113 which was authorized for construction by Construction Permit CPR-13, dated July 8, 1957, issued to Aerojet-General Nuclear, San Ramon, California. The applicant also seeks authorizations to receive and possess special nuclear material and byproduct material in connection with the operation of the reactor.

2. The Atomic Energy Commission has found that:

A. The reactor is a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. There is reasonable assurance that the applicant will comply with the regulations in Chapter I, of Title 10, of the Code of Federal Regulations in Part 20 and that the health and safety of the public will not be endangered by the operation of the facility as proposed in the application.

C. The acquisition, possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public.

D. The University of Delaware proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

E. The University of Delaware is financially qualified to operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

F. The University of Delaware is technically qualified to operate the reactor.

G. The University of Delaware has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses the University of Delaware:

A. Pursuant to section 104c of the Atomic Energy Act of 1954 (hereinafter referred to as "the act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to acquire, possess and operate the reactor in accordance with the procedures described in the application at the location in Newark, Delaware, described in the application.

B. Pursuant to the act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use up to 700 grams of contained uranium 235 in connection with the operation of the reactor.

C. Pursuant to the act and Title 10, CFR, Chapter I, Part 70, to receive and possess up to 16 grams of plutonium contained in one encapsulated plutonium-beryllium source for use in connection with operation of the reactor in accordance with the procedures described in the application.

D. Pursuant to the act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced from operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect, and is

subject to the additional conditions specified or incorporated below:

A. The reactor shall be operated only under the direct supervision of the Reactor Supervisor or his designated alternate, both of whom shall have been approved by the Commission.

B. When unattended the reactor shall be secured with the standard seals and locks supplied by the manufacturer; at such times as the reactor is in a dismantled state, access shall be limited to authorized persons by means of a guard or locked enclosure, locked room, or locked building.

C. The University of Delaware shall not operate the reactor at power levels in excess of 100 milliwatts without previous authorization from the Commission.

D. In addition to those otherwise required under this license and applicable regulations the University of Delaware shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of the University of Delaware as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

E. The University of Delaware shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

5. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to the University of Delaware, for use in connection with operation of the reactor, 16 grams of plutonium to be contained in one encapsulated plutonium-beryllium source.

6. This license shall expire 20 years from date of issuance hereof unless sooner terminated.

Date of issuance:

For the Atomic Energy Commission.

Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-4608; Filed, June 17, 1958;
8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12107, 12222; FCC 58-559]

RIVERSIDE CHURCH IN THE CITY OF NEW
YORK AND HUNTINGTON-MONTAUK
BROADCASTING CO., INC.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re application of The Riverside Church in the City of New York, New York, New York, Docket No. 12107, File No. BPH-2174; Huntington-Montauk Broadcasting Co., Inc., Huntington, New York, Docket No. 12222, File No. BPH-2233; for construction permits.

1. The Commission has under consideration (1) a petition to modify and enlarge issues filed on November 12, 1957, by Huntington-Montauk Broadcasting Co., Inc. (Huntington); (2) opposition to said petition filed on December 9, 1957, by The Riverside Church in the City of New York (Riverside); (3) reply to said petition filed on December 9, 1957, by the Broadcast Bureau (Bureau); (4)

answer to Bureau and Riverside filed on December 12, 1957, by Huntington; (5) opposition to additional issues proposed by Bureau ((3), supra) filed December 16, 1957, by Riverside; (6) comment on opposition of Riverside ((5), supra) and answer of Huntington ((4), supra) filed December 18, 1957, by Bureau.

2. Riverside and Huntington are mutually exclusive applicants for Class B construction permits on Channel 294 at New York City and Huntington, Long Island, New York, respectively, which applications have been designated for consolidated hearing on stated issues (22 F. R. 8544).

3. Huntington now petitions that the Commission reconsider its determination of the issues now set for hearing which are the so-called standard comparative issues, striking same, and substituting therefor a determination as between Huntington and Riverside on section 307 (b) grounds entirely. In support of its position, Huntington argues that, while Channel 294 is assigned to the New York Metropolitan District and both Huntington and Riverside seek facilities to serve such district, nevertheless Huntington is 30 miles east of Manhattan (the locale of Riverside) and as such is located in a completely separate "community" within the purview of section 307 (b) of the Communications Act.

4. Riverside opposes the petition citing St. Louis Telecast, 12 RR 1289, wherein the Commission held that while St. Louis and East St. Louis were distinct politically, they formed parts of the same urban complex and hence section 307 (b) did not apply. Upon review of the St. Louis case, supra, we find Riverside's reliance thereon to be misplaced. Although the Commission ultimately found that the 307 (b) issue was not dispositive of that proceeding, its holding was based on findings of fact elicited under an issue looking toward the determination of the applicability of section 307 (b). Riverside, in the opposition, argues that a Class A channel could adequately serve the needs of Huntington. The Commission policy against enlargement of issues to show the availability of an alternative frequency (channel) is now well established. Dorsey Eugene Newman, et al., 11 RR 977 (1955). As to the question of coverage of the entire metropolitan district by Huntington, it has not been our practice heretofore to demand full coverage of the farthest reaches of the metropolitan district by an applicant for a Class B FM permit provided that he in good faith sought to serve a major or substantial portion thereof in furtherance of the general scheme underlying our establishment of Class B stations.

5. Bureau suggests that the present state of the record does not permit a determination of whether or not 307 (b) may appropriately be considered and suggests addition of issues looking toward a determination of the areas and populations proposed to be served by the applicants, respectively, and, in connection therewith, whether a 307 (b) issue is applicable and, if so, which of the applicants is entitled to a grant.

6. Huntington maintains that Commission precedents already exist for a determination that Huntington's proposed service area is distinct within the meaning of 307 (b) thereby rendering such a determination unnecessary in this proceeding. Moreover, it argues that Bureau's proposed 307 (b) issues are too narrow in that they do not call for evidence concerning the character and nature of the communities to be served, but only seek to elicit the areas and populations to be served. We think it plain that a legitimate question exists as to whether or not the communities here involved are separate and distinct for the purposes of a 307 (b) determination. Moreover, we are unable to agree with Huntington that the Bureau's proposed issue is too narrow to permit a preliminary finding as to the application of section 307 (b) considerations. In such cases where one applicant was in one community and two were in another (between whom comparative issues might be appropriate were the 307 (b) choice to devolve upon that community), we have permitted and ordered such a proceeding when it was clear that a choice on 307 (b) grounds of the community having only one applicant would render any further comparison moot. But that is not the situation here where the very existence of separate communities is open to question.

In view, therefore, of the foregoing reasons:

It is ordered. That petitioner Huntington's petition to enlarge issues is in all respects denied, and

It is further ordered. That the Commission for the reasons stated in the reply of the Bureau (par. 1 (3), supra) rennumbers existing issue 2 as issue 4 and adds the following issues:

2. To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the operations proposed, respectively, by the Riverside Church in the City of New York and the Huntington-Montauk Broadcasting Co., Inc. and the availability of other such FM broadcast service to the said areas and populations.

3. To determine, in the light of the nature of the respective operations proposed and of the areas and populations to be served, together with the other evidence adduced under issue 2, supra, whether considerations with respect to section 307 (b) of the Communications Act of 1934, as amended, are applicable to the above-entitled proceeding, and, if so, whether a choice between the applications hereon can be reasonably based thereon and, if so, whether a grant to one of the other of the applicants would provide the more fair, efficient and equitable distribution of service to the communities involved.

Adopted: June 11, 1958.

Released: June 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4628; Filed, June 17, 1958;
8:52 a. m.]

[Docket No. 12363; FCC 58M-623]

OSCAR GALJOUR

ORDER CONTINUING HEARING

In the matter of Oscar Galjour, P. O. Box 788, Aransas Pass, Texas, Docket No. 12363; order to show cause why there should not be revoked the license for Radio Station WB-8045 aboard the vessel "Buddy Boy."

It is ordered, On the Hearing Examiner's own motion, that the hearing in the above-entitled proceeding scheduled to be held on June 12, 1958, is hereby continued without date.

Released: June 13, 1958.

Dated this 12th day of June 1958.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 58-4629; Filed, June 17, 1958;
8:53 a. m.]

[Docket Nos. 12475, 12476; FCC 58-563]

MOUNTAIN STATE BROADCASTING CO. AND
RADIO MID-POM, INC.ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of Mountain State Broadcasting Company, Middleport-Pomeroy, Ohio, Docket No. 12475, File No. BP-11223; Radio Mid-Pom, Inc., Middleport-Pomeroy, Ohio, Docket No. 12476, File No. BP-11682; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of June 1958;

The Commission having under consideration the above-captioned applications of Mountain State Broadcasting Company and Radio Mid-Pom, Inc., each for a construction permit for a new standard broadcast station to operate on 1390 kilocycles with a power of one kilowatt, daytime only, at Middleport-Pomeroy, Ohio;

It appearing that except as indicated by the issues specified below, both applicants are legally, technically, financially and otherwise qualified to operate their proposed stations but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated March 14, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that timely replies to the Commission's letter were filed by both applicants; and

It further appearing that, the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act

of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant difference between the applicants as to:

(a) The background and experience of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service in each of the above-mentioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issues: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 58-4630; Filed, June 17, 1958;
8:53 a. m.]

[Docket Nos. 12477-12480; FCC 58-564]

MONOCACY BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of The Monocacy Broadcasting Company, Gettysburg, Pennsylvania, Docket No. 12477, File No. BP-11325; Times and News Publishing Company (WGET), Gettysburg, Pennsylvania, Docket No. 12478, File No. BP-11683; The Price Broadcasters, Inc., Frederick, Maryland, Docket No. 12479, File No. BP-11759; Dan Weinberg and John J. Keel d/b as Frederick County Broadcasting Company, Middletown, Maryland, Docket No. 12480, File No. BP-11889; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of June 1958;

The Commission having under consideration the above-captioned applications requesting the following standard broadcast facilities:

BP-11325 NEW, Gettysburg, Pennsylvania, The Monocacy Broadcasting Company; Req: 1320 kc, 1 kw, DA-2, Unl.

BP-11683 WGET, Gettysburg, Pennsylvania, Times and News Publishing Company; Has: 1450 kc, 250 w, Unl.; Req: 1320 kc, 500 w, 1 kw-LB, DA-2, Unl.

BP-11759 NEW, Frederick, Maryland, The Price Broadcasters, Inc.; Req: 1320 kc, 1 kw, Day.

BP-11889 NEW, Middletown, Maryland, Dan Weinberg and John J. Keel d/b as Frederick County Broadcasting Company; Req: 1320 kc, 1 kw, Day.

It appearing that except as indicated by the issues specified below, all the applicants are legally, technically, financially and otherwise qualified to operate their proposed stations but that the operation of the proposals would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated April 9, 1958, of the aforementioned interference and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that all of the instant applicants filed timely replies to the Commission's letter; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of The Monocacy Broadcasting Company, The Price Broadcasters, Inc., and the Frederick County Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WGET as proposed and the availability of other primary service to such areas and populations.

3. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals herein would best provide a fair, efficient and equitable distribution of radio service.

4. To determine on a comparative basis, in the event that pursuant to the foregoing issue, Gettysburg, Pennsylvania, is considered to have the greater need for either the operation proposed by The Monocacy Broadcasting Company or the Times and News Publishing Company, which of said two proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect

to the significant differences between the two applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of said applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney or appropriate corporate officer, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4631; Filed, June 17, 1958;
8:53 a. m.]

[Docket Nos. 12481, 12482; FCC 58-565]

FARMINGTON BROADCASTING CO. AND FOUR
CORNERS BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of: Farmington Broadcasting Company, Farmington, New Mexico, Docket No. 12481, File No. BPCT-2369; Four Corners Broadcasting Company, Farmington, New Mexico, Docket No. 12482, File No. BPCT-2417; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of June 1958:

The Commission having under consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 12 in Farmington, New Mexico; and

It appearing, that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants, as proposed, would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters that their applications are mutually exclusive, of the necessity for a hearing, of all objections to their applications, and were given an opportunity to reply; and

It further appearing that in the pre-hearing letter to Farmington Broadcasting Company, the Commission raised a question with respect to a possible violation of the spirit of § 3.636 (a) (1) of the rules; that on May 6, 1958, Four Corners Broadcasting Company, by its attorneys, filed a letter stating that, in addition to the question raised under § 3.636 (a) (1) the Farmington Broadcasting Company application also raised a question under § 3.636 (a) (2), relating to concentration of control of television broadcast stations; and

It further appearing that upon consideration of the replies to the section 309 (b) letters, the Commission is of the view that the above questions raised with respect to the proposal of Farmington Broadcasting Company should be explored within the framework of comparative issue "1 (a)" as specified herein-after, rather than as an issue with respect to § 3.636 of the Commission's rules; and

It further appearing that upon due consideration of the above-captioned applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that Four Corners Broadcasting Company and Farmington Broadcasting Company are legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast stations;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Farmington Broadcasting Company and Four Corners Broadcasting Company are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

b. The proposals of each with respect to the management and operation of the proposed television broadcast stations.

c. The programming service proposed in each of the above-captioned applications.

2. To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the above-captioned applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, upon his own

motion or upon petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That the request by Four Corners Broadcasting Company for an issue concerning § 3.636 of the Commission's rules is denied.

It is further ordered, That to avail themselves of the opportunity to be heard, Farmington Broadcasting Company and Four Corners Broadcasting Company, pursuant to § 1.140 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the day fixed for the hearing and present evidence on the issues specified in this order.

Released: June 13, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-4632; Filed, June 17, 1958;
8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. 8921 etc.]

ARKANSAS FUEL OIL CORP. AND MECOM
PETROLEUMS

ORDER SEVERING PROCEEDINGS AND FIXING
DATES FOR FILING BRIEFS

JUNE 12, 1958.

In the matter of Arkansas Fuel Oil Corporation et al., Docket Nos. G-8921, et al.; John W. Mecom, d/b/a Mecom Petroleum, Docket No. G-10357.

John W. Mecom, d/b/a Mecom Petroleum (Mecom), on April 16, 1958, filed a motion requesting severance of the proceedings in Docket No. G-10357 from the consolidated proceedings in Docket Nos. G-8921, et al., which were consolidated for purposes of hearing and decision by orders issued in Docket Nos. G-8921, et al., on February 26, 1957, October 9, 1957, and April 8, 1958.

Mecom states that all evidence relevant to the proceeding in Docket No. G-10357 has been placed of record, that it has no interest in the other dockets in the consolidated proceedings concerning which the hearing has been recessed to September 3, 1958, and that it is appropriate that briefs be separately submitted to the presiding examiner with respect to Docket No. G-10357 only so that decision therein be not unduly delayed. None of the parties to the consolidated proceedings, including staff counsel, have objected to the requested severance.

The Commission finds: It is appropriate and in the public interest that the proceeding in Docket No. G-10357, which has heretofore been consolidated with the proceeding in Docket Nos. G-8921, et al., be severed from the consolidated

proceedings and that the time for filing of briefs be established.

The Commission orders:

(A) The proceeding in Docket No. G-10357 hereby is severed from the other proceedings in Docket Nos. G-8921, et al., consolidated by our orders of February 26, 1957, October 9, 1957, and April 8, 1958.

(B) Briefs shall be filed with the presiding examiner as follows:

Initial brief of Mecom Petroleum, August 1, 1958.

Briefs of interveners and staff counsel, September 19, 1958.

Reply brief of Mecom Petroleum, October 17, 1958.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4609; Filed, June 17, 1958;
8:49 a. m.]

[Docket No. G-12177]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF
HEARING

JUNE 12, 1958.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) a Delaware corporation, having its principal place of business in Shreveport, Louisiana, filed on March 8, 1957, an application in Docket No. G-12177 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing it to sell and deliver to The East Ohio Gas Company, The Peoples Natural Gas Company, New York Natural Gas Corporation and Hope Natural Gas Company (Consolidated Companies) natural gas for resale for ultimate public consumption, subject to the jurisdiction of this Commission.

The terms and conditions of the proposed sale and delivery of gas, all of which are more fully set forth in the application on file with the Commission and open to public inspection, are as follows.

During off-peak periods quantities of natural gas will be delivered which are not required by Texas Eastern to meet its regular firm service obligations. The annual delivery obligation is firm, but there is no maximum daily obligation to deliver. The annual obligation is approximately 17,300,000 Mcf at 14.73 psia for the first year beginning April 1, 1957 to January 1, 1958, and 20,400,000 Mcf at 14.73 psia for each of the calendar years 1958, 1959 and 1960. The Consolidated Companies are now customers of Texas Eastern and the existing facilities used for transporting and selling gas to them will be used for the proposed sales. The proposed sales of gas by Texas Eastern will be in lieu of certain interruptible gas sales heretofore being made and in addition to other sales which are of a permanent nature and upon a firm basis. The rate provided for the proposed sales is 29.5 cents per Mcf.

The Consolidated Companies have advised Texas Eastern that they require the gas for injection into underground

storage pools to meet firm peak requirements during the winter seasons.

Temporary authorization to make sales to the Consolidated Companies was granted by the Commission on April 17, 1957, but without prejudice to final disposition of the application in this proceeding.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 14, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission 441 G Street NW., Washington, D. C., concerning the matters involved in, and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 3, 1958. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4610; Filed, June 17, 1958;
8:49 a. m.]

[Docket No. G-13924]

TEXAS CO.

ORDER PERMITTING PROPOSED CHANGE IN
RATE SCHEDULE TO TAKE EFFECT AND
SEVERING AND TERMINATING PROCEEDING

JUNE 12, 1958.

On May 19, 1958, the Commission issued an order in Docket Nos. G-13924 and G-8969, et al., denying a motion filed by the Texas Company (Texas) for reconsideration of the Commission's order issued in Docket No. G-13924 on December 19, 1957, suspending a proposed increase in rate from 10 cents to 11 cents per Mcf for natural gas sold to Lone Star Gas Company in Garvin County, Oklahoma. By its motion for reconsideration, Texas requested that the Commission vacate its order suspending Supplement No. 1 to Texas' FPC Gas Rate Schedule No. 123 and permit the proposed increased rate of 11 cents per Mcf to become effective as of January 16, 1958. In support of its motion for reconsideration, Texas submitted cost of service studies with respect to sales from three Garvin County gasoline plants which are the subject of the aforementioned rate schedule.

Texas pointed out that it was co-owner with Warren Petroleum Company and Cities Service Oil Company of the three gasoline plants and that a similar proposed increased rate of 11 cents per Mcf for the sale of Warren's interest from these gasoline plants was accepted by the Commission by letter dated January 15, 1958, on the basis of cost data submitted by Warren.

The Commission, on its own motion, has reconsidered Texas' motion of April 8, 1958 and has re-examined the cost of service data submitted by Texas. Based upon such reconsideration we now conclude that the cost of service data so submitted by Texas should be accepted as sufficient justification of the proposed increased rate.

The proceeding in Docket No. G-13924 was by order issued April 22, 1958, consolidated for purposes of hearing with Docket Nos. G-8969, et al.

The Commission finds:

(1) The data submitted by Texas in support of the increased rate proposed by Supplement No. 1 to its FPC Gas Rate Schedule No. 123 constitutes sufficient justification of such increased rate, which should be permitted to become effective as of May 8, 1958.

(2) It is appropriate that the proceeding in Docket No. G-13924 be severed from the proceedings in Docket Nos. G-8969, et al., and the proceeding in Docket No. G-13924 should be terminated.

The Commission orders:

(A) Upon reconsideration of the motion filed by Texas on April 8, 1958, Supplement No. 1 to Texas' FPC Gas Rate Schedule No. 123 is permitted to become effective as of May 8, 1958.

(B) The proceeding in Docket No. G-13924 is severed from the consolidated proceedings in Docket Nos. G-8969 et al., and the proceeding in Docket No. G-13924 is hereby terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4611; Filed, June 17, 1958;
8:50 a. m.]

[Docket No. G-14312]

ILLINOIS POWER CO.

NOTICE OF DATE FOR HEARING

JUNE 12, 1958.

The application in the above-numbered docket was set for hearing before an examiner on May 29, 1958, at 9:30 a. m. Panhandle Eastern Pipe Line Company (Panhandle), having filed a petition for leave to intervene on May 23, 1958, and Illinois Power Company having filed an answer and objection to said petition of Panhandle on May 28, 1958, and the Commission not having acted upon said petition of Panhandle on the date set for said hearing, the presiding examiner postponed this matter indefinitely, subject to further order of the Commission.

The Commission on June 5, 1958, issued an order permitting Panhandle to intervene herein. It now appears that

said matter should be set for formal hearing.

Notice is hereby given that a hearing will be held on July 1, 1958, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by said application.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4612; Filed, June 17, 1958;
8:50 a. m.]

[Docket No. E-6827]

ORANGE AND ROCKLAND UTILITIES, INC.
NOTICE OF APPLICATION

JUNE 13, 1958.

Take notice that on June 9, 1958 an application was filed with the Federal Power Commission pursuant to Section 203 of the Federal Power Act by Orange and Rockland Utilities, Inc. (Applicant), a corporation organized under the laws of the State of New York and qualified to do business in the State of New Jersey with its principal business office at Nyack, New York, seeking an order authorizing the purchase of new shares of Common Stock of its wholly owned subsidiary, Rockland Electric Company ("Rockland"), a company organized under the laws of the State of New Jersey and doing business in said State only with its principal business office at Nyack, New York. Applicant proposes to acquire from Rockland 20,000 shares of the total par value of \$2,000,000 of the Common Stock of Rockland. The consideration therefor is to be \$2,000,000 in cash, such stock to be purchased at par, at private sale, as set forth in a letter of agreement between the two companies, dated May 14, 1958. Applicant states that the operations of Rockland have been integrated with the operations of Applicant to such an extent that the electric properties of Rockland and Applicant constitute and are operated as one continuous electric system (see joint application filed on December 10, 1957, at Docket No. E-6792). According to the application, the bulk of the proceeds to be obtained by Rockland will be used to replace temporary financing arrangements heretofore entered into to facilitate the carrying on of its construction program. Applicant therefore states that in order to maintain the integration of the systems, it is in the public interest that it continue to own the entire capital stock of Rockland.

The application states that Applicant and Rockland will issue short-term notes, as original issues or as renewals, to finance their respective construction programs, that the notes will be issued to commercial banks or similar institutions, and that the aggregate principal amount of original and renewal notes to be issued will not exceed \$7,200,000 in the case of Applicant and \$4,000,000 in the case of Rockland. The application, by its terms, requests approval, if required, of such short-term loans incurred by Applicant and Rockland.

Any person desiring to be heard or to make any protest with reference to said application should on or before the third day of July 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-4614; Filed, June 17, 1958;
8:50 a. m.]

INTERSTATE COMMERCE
COMMISSION

[Notice 40]

MOTOR CARRIER ALTERNATE ROUTE
DEVIATION NOTICES

JUNE 13, 1958.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-3598 (Deviation No. 4). WOOSTER EXPRESS, INC., 2939 Main Street, Hartford, Conn., filed June 9, 1958. Attorney for said carrier, Louis B. Warren, 410 Asylum Street, Hartford 3, Conn. Carrier proposes to operate as a common carrier by motor vehicle of general commodities, with certain exceptions, over a deviation route, between Thomaston, Conn., and New York, N. Y., as follows: from Thomaston over U. S. Highway 6 to junction U. S. Highway 202 at Brewster, N. Y. (also from Waterbury, Conn., over U. S. Highway 6-A to junction U. S. Highway 6 at Woodbury, Conn., thence over U. S. Highway 6 to junction U. S. Highway 202 at Brewster, N. Y.), thence over U. S. Highway 202 to junction New York Highway 100 at Somers, N. Y., thence over New York Highway 100 to junction New York State Thruway at or near White Plains, N. Y., thence over New York State Thruway and access routes to New York City and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates

that the carrier is presently authorized to transport the same commodities between Northampton, Mass., and Newark, N. J., over the following pertinent routes: from Northampton over U. S. Highway 5 to New Haven, Conn., thence over U. S. Highway 1 to Newark; from Northampton over U. S. Highway 5 to Springfield, Mass., thence over Alternate U. S. Highway 5 to Hartford, Conn., thence over Connecticut Highway 9 to Middletown, Conn., thence over Connecticut Highway 15 to New Haven, and thence over U. S. Highway 1 to Newark; and from Northampton to Hartford as specified above, thence over U. S. Highway 6 to Thomaston, Conn., thence over Connecticut Highway 8 to Stratford, Conn., and thence over U. S. Highway 1 to Newark.

No. MC-4804 (Deviation No. 1). THE LIBERTY HIGHWAY COMPANY, 1100 King Avenue, Columbus 12, Ohio, filed June 9, 1958. Attorney for said carrier, Taylor C. Burneson, 3510 Le Veque-Lincoln Tower, Columbus 15, Ohio. Carrier proposes to operate as a common carrier by motor vehicle of general commodities, with exceptions, over a deviation route, between Toledo, Ohio, and Detroit, Mich., as follows: from Toledo over U. S. Highway 24-A to junction Michigan Highway 85, thence over Michigan Highway 85 to Detroit, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Toledo, Ohio, and Detroit, Mich., over the following pertinent route: from Toledo over U. S. Highway 24 to junction U. S. Highway 25 (north of Flat Rock), thence over U. S. Highway 25 to Detroit.

No. MC-4943 (Deviation No. 1). INLAND MOTOR FREIGHT LINES, INC., 1225 Caldwell Street, Corpus Christi, Tex., filed June 6, 1958. Carrier proposes to operate as a common carrier by motor vehicle of general commodities, with certain exceptions, over a deviation route, between Cuero, Tex., and Rosenberg, Tex., as follows: from Cuero over U. S. Highway 77-A via Yoakum, Hallettsville, and Altaire, Tex., to Rosenberg and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Cuero, Tex., and Rosenberg, Tex., over the following pertinent route: from Cuero over U. S. Highway 87 to Victoria, thence over U. S. Highway 59 via Canado, El Campo, and Wharton to Rosenberg.

No. MC-4447 (Deviation No. 1). SUB-URBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus 12, Ohio, filed June 9, 1958. Attorney for said carrier, Taylor C. Burneson, 3510 Le Veque-Lincoln Tower, Columbus 15, Ohio. Carrier proposes to operate as a common carrier by motor vehicle of general commodities, with certain exceptions, over a deviation route, between Toledo, Ohio, and Detroit, Mich., as follows: from Toledo over U. S. Highway 24-A to junction Michigan Highway 85, thence over Michigan Highway 85 to Detroit and return over the same route, for operating

convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Toledo, Ohio, and Detroit, Mich., over the following pertinent route: from Toledo over U. S. Highway 24 to junction U. S. Highway 25 (north of Flat Rock), thence over U. S. Highway 25 to Detroit.

No. MC-72444 (Deviation No. 2), THE AKRON-CHICAGO TRANSPORTATION CO., INC., 1016 Triplett Boulevard, Akron 16, Ohio, filed June 6, 1958. Carrier proposes to operate as a common carrier by motor vehicle of general commodities, with certain exceptions, over a deviation route, between junction U. S. Highway 11 and Interstate Route 515 approximately three miles south of Syracuse, N. Y., and junction U. S. Highway 11 and Interstate Route 515 at Tully Center, N. Y., as follows: from junction U. S. Highway 11 and Interstate Route 515 near Syracuse, over Interstate Route 515 to junction U. S. Highway 11 at Tully Center and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between junction U. S. Highway 11 and Interstate Route 515 approximately three miles south of Syracuse, N. Y., and junction U. S. Highway 11 and Interstate Route 515 at Tully Center, N. Y., over U. S. Highway 11.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[P. R. Doc. 58-4606; Filed, June 17, 1958;
8:48 a. m.]

[Notice 221]

MOTOR CARRIER APPLICATIONS

JUNE 13, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 11054 (Sub No. 3) CORRECTION. The foregoing docket number which purported to identify the Form EMC 78 application of MARK E. YODER, 41 Parkway, Schuylkill Haven, Pa., noticed on page 4122, of the issue of the FEDERAL REGISTER of June 11, 1958 was in error. The correct docket number assigned to the subject application is No. MC 110541 (Sub No. 3).

No. MC 27672 (Sub No. 5), filed June 3, 1958. Applicant: ERNEST LEROY DAYHOFF AND DONALD R. DAY-

HOFF, a Partnership, doing business as E. L. DAYHOFF & SON, Route 6, Hagerstown, Md. Applicant's attorney: W. Jerome Offutt, Cramer Building, Frederick, Md. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sand, from Warfordsburg, Pa., and points in Pennsylvania within ten (10) miles of Warfordsburg, to points in Washington County, Md., and Martinsburg (Berkeley County) W. Va., and points within ten (10) miles of Martinsburg. Applicant is authorized to transport sand and stone from specified points in Pennsylvania to specified points in Maryland.

HEARING: July 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 206.

No. MC 61403 (Sub No. 29) (AMENDMENT), filed April 23, 1958, published issue May 21, 1958. Applicant: ROBINSON TRANSFER MOTOR LINES, INC., Wilcox Drive, Kingsport, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lacquers, thinners, varnishes and surface coating compounds, in bulk, in tank vehicles, from Louisville, Ky., to points in Greene and Jefferson Counties, Tenn. Applicant is authorized to conduct operations in Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Georgia, Kentucky, Indiana, Ohio, Alabama, Louisiana, Mississippi, District of Columbia, Florida, Michigan, Missouri, New Jersey, Maryland, New York, Delaware, Illinois, Pennsylvania, Texas, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont and Iowa.

HEARING: Remains as assigned July 11, 1958, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 70330 (Sub No. 28), filed April 9, 1958. Applicant: J. TOM MILLER, doing business as MILLER TRUCK LINE, 901 Northeast 28th Street, Fort Worth, Tex. Applicant's attorneys: Charles D. Mathews, and Thomas E. James, Brown Building, Austin 1, Tex. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Fresh meats, packing house products and articles distributed by packing-houses, as defined by the Commission in Ex Parte MC-45, 61 MCC 209, 272, 273, in vehicles equipped with mechanical refrigeration, from Fort Worth, Tex., to Crossett, Smackover, Stephens, and Strong, Ark. Applicant is authorized to conduct operations in Texas, Oklahoma, Arkansas, Louisiana, New Mexico, Mississippi, and Alabama.

Note: Applicant has filed appropriate applications with this Commission (1), to transfer Permit MC 70330 and sub numbers thereunder from applicant herein to Miller Truck Line, Inc., Docket No. MC-PC 61020; and (2) for a determination of its status as a contract or common carrier, No. MC 70330 Sub No. 26.

HEARING: July 18, 1958, at the Baker Hotel, Dallas, Tex., before Joint Board No. 152, or, if the Joint Board waives its

right to participate, before Examiner Walter R. Lee.

No. MC 78118 (Sub No. 8), filed May 23, 1958. Applicant: WILBUR H. JOHNS, 327 North Reservoir Street, Lancaster, Pa. Applicant's attorney: William S. Livengood, Jr., 227 State Street, Harrisburg, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wood kitchen cabinets and wood products, painted, enameled, and unfinished, from Thompsonstown, Pa., to points in Virginia, North Carolina, South Carolina, Georgia, and Florida. Laminated plywood, from Greenville, Fla., Jesup, Ga., and Whiteville, N. C., to Thompsonstown, Pa. Corrugated fibre paper and products thereof, (1) from Clifton, N. J., to Knox, Pa., and Buffalo, N. Y., and (2) from Hopewell and Lynchburg, Va., Roanoke Rapids and Sylva, N. C., Rome and Macon, Ga., and Panama City, Fla., to Knox, Pa., and Warwood, W. Va. Applicant is authorized to conduct common carrier operations in Florida, Georgia, Maryland, New York, North Carolina, Pennsylvania, South Carolina, and Virginia. Applicant holds contract carrier authority under Permits No. MC 15583 and MC 15583 (Sub No. 12). Dual operations under section 210 may be involved. A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned No. MC 15583 (Sub No. 14).

HEARING: July 18, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Donald R. Sutherland.

No. MC 95813 (Sub No. 9), filed June 5, 1958. Applicant: T. LEROY KOSER, doing business as KOSER TRUCKING, R. D. No. 1, Dillsburg, Pa. Applicant's attorney: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned goods, (1) from points in Adams and Franklin Counties, Pa., New Freedom, Pa., and Gaithersburg, Md., to points in Alabama, Georgia, North Carolina, South Carolina, Virginia, and West Virginia; (2) from Thurmont, Md., and points in Frederick, Carroll, and Washington Counties Md., to points in Alabama, Georgia, North Carolina, South Carolina, Virginia, and West Virginia, and those in that part of Pennsylvania west of a line beginning at the Pennsylvania-Maryland State line and extended north along U. S. Highway 15 to Harrisburg, Pa., thence north along U. S. Highway 11 to Northumberland, Pa., thence along Pennsylvania Highway 14 to junction U. S. Highway 220, thence along U. S. Highway 220 to junction U. S. Highway 15, and thence along U. S. Highway 15 to the Pennsylvania-New York State line, excluding points in Allegheny, Greene, Washington, Lafayette, Westmoreland, Lawrence, Butler, and Armstrong Counties, Pa. Applicant is authorized to conduct operations in Maryland, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Ohio, Virginia,

North Carolina, South Carolina, West Virginia, and the District of Columbia.

HEARING: July 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold Angle.

No. MC 103654 (Sub No. 44) (CORRECTION), filed April 4, 1958, published issue May 21, 1958, at page 3469. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 649 Pelham Boulevard, St. Paul, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Previous publication named one of the commodities proposed to be transported as "rendering plant products" in error. Correctly stated it should read: "rendering plant products".

HEARING: Remains as assigned June 25, 1958, at the Federal Court Building, Marquette Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Harold P. Boss.

No. MC 106379 (Sub No. 31), filed April 10, 1958. Applicant: GULF SOUTH-WESTERN TRANSPORTATION COMPANY, 5812 Brock Street, P. O. Box 18104, Houston 23, Tex. Applicant's attorney: Joe G. Fender, 1421 Melrose Building, Houston 2, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and pipe and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof except in connection with main or trunk pipelines, between points in Texas, Oklahoma, Kansas, Nebraska, and New Mexico on the one hand, and, on the other, points in Ohio and Michigan.* Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Texas, Georgia, Ohio, Michigan, Mississippi, Alabama, Florida, Pennsylvania, New York, New Jersey, Montana, North Dakota, Wyoming, Illinois, Indiana, Kansas, Missouri, and Nebraska.

HEARING: July 30, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Walter R. Lee.

No. MC 106379 (Sub No. 33), filed April 10, 1958. Applicant: GULF SOUTH-WESTERN TRANSPORTATION COMPANY, 5812 Brock Street, P. O. Box 18104, Houston 23, Tex. Applicant's attorney: Joe G. Fender, 1421 Melrose Building, Houston 2, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities, the transportation of which, by reason of size or weight, require the use of special equipment, and (2) related machinery and related contractors' materials and supplies when their transportation is incidental to the transportation of the commodities authorized in (1) above, be-*

tween points in New York, New Jersey, and Pennsylvania on the one hand, and, on the other, points in Oklahoma, Kansas, and Nebraska. RESTRICTION: The authority herein is subject to the condition that carrier shall not engage in the stringing or picking up of pipe along pipelines. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Texas, Georgia, Ohio, Michigan, Mississippi, Alabama, Florida, Pennsylvania, New York, New Jersey, Montana, North Dakota, South Dakota, Wyoming, Illinois, Indiana, Kansas, Missouri, and Nebraska.

NOTE: Applicant states that it is authorized to render the transportation involved by combining its certificates MC 106379 (Sub 12) and (Sub 26). The sole purpose of this application is to eliminate circuitous operation through North Texas as gateway or common point, territory.

HEARING: July 28, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Walter R. Lee.

No. MC 107107 (Sub No. 102), filed May 29, 1958. Applicant: ALTERMAN TRANSPORT LINES, INC., P. O. Box 65, Allapattah Station, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods, from Savannah, Columbus, and Thomasville, Ga., to points in Virginia, Maryland, the District of Columbia, Pennsylvania, Delaware, New York, New Jersey, Ohio, Michigan, Indiana, Kentucky, West Virginia, Tennessee, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Alabama, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, and South Dakota; and (2) oleomargarine and oleomargarine spreads, from Thomasville, Ga., to points in the above-designated states.* Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: July 22, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 107515 (Sub No. 277), filed April 3, 1958. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214-216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouse products, and commodities used by packinghouses, as defined by the Commission in 61 M. C. C. Appendix I, from Fort Worth, Tex., to points in Tennessee (except Memphis).* Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas,

Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: July 21, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Walter R. Lee.

No. MC 107515 (Sub No. 282), filed May 20, 1958. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214-216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, as defined by the Commission in Ex Parte No. MC-45, from Palestine, Tex., to points in Alabama, Georgia, Florida, South Carolina, North Carolina, and Tennessee.* Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: July 21, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Walter R. Lee.

No. MC 108651 (Sub No. 10), filed June 5, 1958. Applicant: ROY B. MOORE, INC., P. O. Box 628, Kingsport, Tenn. Applicant's representative: C. F. Germelman, 2 West Germain Street, Winchester, Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned food products, from points in Adams and Franklin Counties, Pa., and Timberville (Rockingham County), Berryville, and Mount Jackson, Va., to points in Tennessee on and east of U. S. Highway 27.* Applicant is authorized to conduct regular route operations in New York, and irregular route operations in Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: July 24, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 109462 (Sub No. 7), filed April 21, 1958. Applicant: LUMBER TRANSPORT, INC., 2428 North Market, Shawnee, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill and pressure treated forest products, (1) from points in Arkansas and Louisiana to points in Tennessee, Alabama, Mississippi, Louisiana, Georgia, and Kentucky; (2) between points in Oklahoma, Arkansas, and Louisiana.* Applicant is authorized to conduct operations in Arkansas, Oklahoma, New Mexico, Texas, Missouri, Kansas, Tennessee, and Louisiana.

NOTE: Applicant states that it seeks no duplicating authority. Applicant is now authorized to conduct operations from Arkansas to points in Oklahoma and

Memphis, Tenn.; from Louisiana on and north of U. S. Highway 84 to Arkansas, which will permit a cross-haul into Oklahoma-Memphis.

HEARING: July 16, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Walter R. Lee.

No. MC 110541 (Sub No. 3) **CORRECTION.** The foregoing docket number is the correct docket number assigned to the Form BMC 78 application of MARK E. YODER, 41 Parkway, Schuylkill Haven, Pa., noticed on page 4122, of the issue of the FEDERAL REGISTER of June 11, 1958. The docket number shown in that previous publication as No. MC 11054 (Sub No. 3) was in error and should be disregarded.

No. MC 110567 (Sub No. 3), filed April 14, 1958. Applicant: E. R. GRISSOM AND C. B. GRISSOM, doing business as GRISSOM BROTHERS TRANSPORTS, P. O. Box 191, 300 North Commercial Avenue, Wynnewood, Okla. Applicant's attorney: Rufus H. Lawson, P. O. Box 7342, Oklahoma City 12, Okla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fuel oils, road oils, and asphalt products and by-products*, in bulk, in tank vehicles, and in containers, from Ardmore, Okla., and points within five miles thereof, to points in Texas within 250 miles of Wynne Wood, Okla. Empty containers for the above-described, from points in Texas within 250 miles of Wynne Wood, Okla., to Ardmore, Okla., and points within five miles thereof.

NOTE: In Certificate No. MC 110567 applicant is authorized to transport among other authority, fuel oils, road oils and asphalt products and by-products, in bulk, in tank vehicles, and in containers, from Wynne Wood, Okla., and points within one mile thereof, to points in Texas within 250 miles of Wynne Wood, Okla., and Empty containers, for the above-described commodities, from points in Texas within 250 miles of Wynne Wood, Okla., to Wynne Wood and points within one mile thereof. Applicant is authorized to conduct operations in Arkansas, Oklahoma, and Texas.

HEARING: July 25, 1958, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 112822 (Sub No. 17), filed May 10, 1958. Applicant: EARL BRAY, INC., P. O. Box 910 (Linwood and North Streets), Cushing, Okla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Liquid wax*, in bulk, in tank vehicles, from Tulsa, Okla., and points within 20 miles thereof, to points in Nebraska, South Dakota, Minnesota, Iowa, Wisconsin, Illinois, Kentucky, Tennessee, Arkansas, and Missouri (except points in Missouri south of U. S. Highway 36 and west of a line beginning at Macon, Mo., and extending along U. S. Highway 63 to Jefferson City, Mo., thence along U. S. Highway 54 to Camden, Mo., thence along Missouri Highway 5 to Lebanon, Mo., thence along U. S. Highway 66 to Springfield, Mo., and thence along U. S. Highway 65 to the Missouri-Arkansas State line); (2) *Liquid wax*, in

bulk, in tank vehicles, from Ponca City, Okla., and points within 20 miles thereof, to points in Nebraska, South Dakota, Minnesota, Iowa (except Sioux City), Wisconsin, Illinois (except Harrisburg), Kentucky, Tennessee, Arkansas (except Fort Smith), and Missouri (except points in Missouri south of U. S. Highway 36 and west of a line beginning at Macon, Mo., and extending along U. S. Highway 63 to Jefferson City, Mo., thence along U. S. Highway 54 to Camden, Mo., thence along Missouri Highway 5 to Lebanon, Mo., thence along U. S. Highway 66 to Springfield, Mo., and thence along U. S. Highway 65 to the Missouri-Arkansas State line); (3) *Lubricating oil*, in bulk, in tank vehicles, from points in the Kansas City, Kansas-Missouri Commercial Zone to points in Arkansas (except Bald Knob and Little Rock), and damaged or contaminated products on return. Applicant is authorized to conduct operations in Oklahoma, Kansas, Missouri, Iowa, Arkansas, Illinois, Mississippi, Nebraska, Indiana, Louisiana, Kentucky, Tennessee, South Dakota, Minnesota, and Wisconsin.

HEARING: July 23, 1958, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

No. MC 112846 (Sub No. 18), filed June 2, 1958. Applicant: CLARE M. MARSHALL, INC., P. O. Box 611, Rouseville Road, Oil City, Pa. Applicant's attorney: Paul F. Barnes, 811-819 Lewis Tower Bldg., 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in insulated tank vehicles, from Petrolia, Pa., and points within three miles thereof, to points in Hamilton County, Ohio. Applicant is authorized to conduct operations in Delaware, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: July 22, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo A. Riegel.

No. MC 114699 (Sub No. 9), filed June 6, 1958. Applicant: TANK LINES, INCORPORATED, P. O. Box 6415, North Dabney Road, Richmond, Va. Applicant's attorney: Alexander W. Neal, Jr., 905 Mutual Building, Richmond, Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Edible and inedible animal oils, greases, lard, and tallow*, in bulk, in tank vehicles, from Richmond, Va., to points in North Carolina, Tennessee, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia; and (2) *Refined vegetable oils, edible animal oils, greases, lard, and tallow*, in bulk, in tank vehicles, from Memphis and Chattanooga, Tenn., Atlanta and Macon, Ga., Charlotte, N. C., Cincinnati, Ohio, and Louisville, Ky., to Richmond, Va. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia.

HEARING: July 24, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Donald R. Sutherland.

No. MC 116119 (Sub No. 4), filed June 6, 1958. Applicant: JOHN F. HARRIS, doing business as HOGANS TRANSFER & STORAGE CO., 7 Third Street, Elkins, W. Va. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D. C. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Laboratory and scientific furniture, equipment, fixtures, and parts*, from Elkins, W. Va., and points within fifteen (15) miles of Elkins, and points in Nassau County, N. Y., to points in Pennsylvania, Ohio, and North Carolina; and (2) *Such materials, components, and parts* as are used in the manufacture and assembly of the above-described commodities in (1), from points in the above-described destination areas to Elkins, W. Va., and points within fifteen (15) miles of Elkins, and points in Nassau County, N. Y. Applicant is authorized to conduct operations in Ohio and West Virginia.

NOTE: Applicant has common carrier, irregular route authority in Certificate No. MC 106002, dated February 11, 1958—section 210 (dual authority) may be involved.

HEARING: July 21, 1958, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 117029 (REPUBLICATION), filed November 8, 1957, published page 9905, issue of December 11, 1957. Applicant: GEORGE C. WIEGER CONTRACT CARRIER APPLICATION, 10 Hawthorne Avenue, Trenton, N. J. Applicant's attorney: Robert Watkins, 170 South Broad Street, Trenton 10, N. J. The following are excerpts from the Report and Order of the Commission, Division 1, entered in the subject proceeding and served June 6, 1958. The application, as originally filed, and the notice of the filing of the application, as previously published in the FEDERAL REGISTER under date of December 11, 1957, showed Trenton as the origin point of the outbound movement and indicated that there would be a return movement of used equipment. Thus, both the application and notice implied that the destination of the return movement was Trenton. The evidence of record, however, establishes that some used equipment would be returned to dealers' places of business at points other than Trenton, namely, Philadelphia, Pa., East Orange, N. J., and Copiague, Long Island, N. Y.; the remainder would be returned to the factory at Trenton. In effect, the scope of the application has been broadened. All possibly interested persons are entitled to notice of what is sought. Since the application and the notice failed to reflect the intent of applicant to serve the additional three points on the return movement, the lack of notice may have prejudiced some members of the public who have an interest in the proceeding but who are not now parties because of reliance upon the prior notice. In the circumstance, we shall republish in the FEDERAL REGISTER notice of the authority actually sought and shall withhold the issuance of a permit until the lapse of 30 days from the date of such republication, during which period any proper party in interest may file a protest and petition for further hearing.

We find that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, (1) of uncrated refrigerated display cases, walk-in refrigerator boxes, and refrigerating units and coils, from Trenton, N. J., to points in Connecticut, Delaware, Maryland, New York, and those in Pennsylvania on and east of U. S. Highway 19, and (2) of used and damaged refrigerator display cases and walk-in boxes from points in the above-described destination territory to Trenton and East Orange, N. J., Copiague, Long Island, N. Y., and Philadelphia, Pa., service under (1) above limited to shipments for which shipper requires installation by applicant and service under both (1) and (2) above to be restricted against the use of special motor vehicle equipment and limited to a transportation service to be performed under continuing contracts with C. V. Hill and Company, Inc., will be consistent with the public interest and the national transportation policy that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and our rules and regulations thereunder; that a permit authorizing such operations should be granted after the lapse of 30 days from the date of republication in the FEDERAL REGISTER of a corrected statement of the authority sought, and provided that no protests or petitions for further proceedings are received during such period; and that the application in all other respects should be denied.

No. MC 117317, filed April 1, 1958. Applicant: B. E. CAMERON, doing business as CAMERON TRUCK LINES, Route 4, Box 48, Tyler, Tex. Applicant's attorney: John W. Carlisle, 4608 South Main Street, Houston 2, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer, insecticides and fungicides*, in bulk and in packages, from Pryor and Tulsa, Okla., and Houston, Corpus Christi, Harlingen, Dallas, Fort Worth, Sulphur Springs, and Texarkana, Tex., to points in Louisiana.

HEARING: August 1, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Walter R. Lee.

No. MC 117317 (Sub No. 1), filed April 1, 1958. Applicant: B. E. CAMERON, doing business as CAMERON TRUCK LINES, Route 4, Box 48, Tyler, Tex. Applicant's attorney: John W. Carlisle, 4608 South Main Street, Houston 2, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in specialized trailers, from Jefferson Island, La., to points in Texas, Arkansas, and Oklahoma.

HEARING: August 1, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Walter R. Lee.

No. MC 117343, filed April 15, 1958. Applicant: ANDY J. NOWLIN, doing business as ANCO SERVICE COMPANY, 737 Southeast 30th Street, Oklahoma City 9, Okla. Authority sought to operate as a common carrier, by motor vehicle,

over irregular routes, transporting: *Oilfield equipment, oilfield supplies, machinery, pipe, and tanks*, not to exceed the weight of 7,000 pounds, between points in Oklahoma County, Okla., on the one hand, and, on the other, points in Arkansas, Texas, and Kansas.

HEARING: July 24, 1958, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

No. MC 117378 (Sub No. 1), filed June 2, 1958. Applicant: GORDON H. LAWHORN, doing business as LAWHORN AUTO WRECKING, R. F. D. No. 2, Elberton, Va. Applicant's representative: Thomas A. Williams, Jr., 1016 Mutual Building, Richmond 19, Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles, including component units, such as busses, trucks, truck tractors, truck trailers and automobiles*, between points in Delaware, District of Columbia, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia.

HEARING: July 22, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William R. Tyers.

No. MC 117400, filed May 19, 1958. Applicant: FORD CONTRACT CARRIER, INC., 800 Southwest Second Street, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Beer*, from New Orleans, La., and Golden, Colo., to points in Oklahoma; (2) *Janitor supplies, compounds and equipment*, from Oklahoma City, Okla., to points in Colorado and Louisiana.

NOTE: Applicant states that the above commodities will be transported under a continuing contract or contracts for Ford Distributing Co., Inc., Jax Beer Company, Inc., Ford Sales Company, Inc., and Mid-Continent Chemical Company, Inc.

HEARING: July 23, 1958, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub No. 164), filed June 6, 1958. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the junction of U. S. Highway 40 and U. S. Alternate 40 near Brownstown, Ill., and the junction of U. S. Highway 40 and U. S. Alternate 40 near Vandalia, Ill., over U. S. Highway 40, as an alternate route for operating convenience only, serving no intermedi-

ate points. Applicant is authorized to conduct operations in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Virginia, Maryland, Delaware, North Carolina, South Carolina, Alabama, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Missouri, Kansas, Texas, Oklahoma, Georgia, Wisconsin, and the District of Columbia.

No. MC 4815 (Sub No. 3), filed June 3, 1958. Applicant: RALPH LINSTRUM, 322 Cranberry Run Drive, Youngstown, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Building and road construction materials and such bulk commodities* as are transported in open top trucks, between points in Mahoning County, Ohio, on the one hand and, on the other, points in Beaver and Lawrence Counties, Pa.

NOTE: Applicant is authorized to conduct the above operations but restricted to the use of dump trucks.

No. MC 37578 (Sub No. 17), filed June 3, 1958. Applicant: JOSEPH W. TRESHAN, INCORPORATED, 715 Mahoning Avenue, Youngstown, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Clay and concrete products*, from Warren, Ohio, and points within 25 miles thereof to Ashland, Ky., and points in Wayne and Monroe Counties, Mich., those in Pennsylvania on and west of U. S. Highway 11, those in New York on and west of U. S. Highway 15, those in West Virginia on and north of U. S. Highway 50, and those in Kentucky located in the Cincinnati, Ohio, Commercial Zone as defined by the Commission, and empty containers or other such incidental facilities, (not specified) including empty returned pallets on return.

NOTE: Applicant is presently authorized to conduct the above operations from Warren, Ohio, and points within 10 miles thereof to points in the above destination territory. Duplication of authority should be eliminated.

No. MC 55696 (Sub No. 9), filed June 2, 1958. Applicant: RALPH JOHNSTON, Cawker City, Kans. Applicant's representative: E. M. Hickman, Manager, Lawrence Traffic Bureau, 625 Live Stock Exchange, Kansas City 2, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts*, from Cawker City, Kans., to Stockton, Calif., Grand Junction, Colo., Jacksonville, Fla., Dublin and Macon, Ga., Indianapolis, Ind., Fargo, N. Dak., Billings, Mont., Pendleton, Ore., Memphis and Morristown, Tenn., Richmond, Va., Spokane, Wash., and points in Missouri and Nebraska. Applicant is authorized to conduct regular route operations in Kansas and Missouri and irregular route operations in Kansas, Missouri, and Nebraska.

No. MC 68562 (Sub No. 1426), filed June 5, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219

East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N. Y. Authority sought to operate as a common carrier, by motor vehicle, transporting: General commodities, including Class A and B explosives, moving in express service, serving Corfu, N. Y., as an off-route point in connection with applicant's authorized regular route operations between Clarence and Batavia, N. Y. Applicant is authorized to conduct operations throughout the United States.

No. MC 96949, POST ROAD STAGES, INC., Strong Road, Wapping (South Windsor), Conn. Applicant's attorney: Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn. Assigned for hearing to determine whether the motor vehicle operations of the said carrier are and will be managed and operated in a common interest under common management and control with those of Harold J. A. Collins and Leslie M. Collins, doing business as Collins Bus Service, a multiple-State operator under Certificate No. MC-89433, and the eligibility of POST ROAD STAGES, INC. to engage in operations in interstate or foreign commerce with the State of Connecticut, under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

No. MC 105651 (Sub No. 3), filed June 2, 1958. Applicant: WALTER HERMAN CASE, R. F. D. No. 1, North Tazewell, Va. Applicant's attorney: Albert G. Peery, Tazewell, Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Limestone dust and rock dust, in bags and in bulk, (1) between Bishop, Va., and points within 10 miles thereof, on the one hand, and, on the other, Cucumber, W. Va., and points within 10 miles thereof; (2) between points in Tazewell County, Va., on the one hand, and, on the other, points in McDowell County, W. Va. Applicant is authorized to conduct operations in Virginia and West Virginia.

No. MC 109513 (Sub No. 7), filed June 6, 1958. Applicant: CHARLES B. RETZER, doing business as BEVERAGE TRANSPORTATION COMPANY, 2158 Hamilton Avenue, Cleveland 14, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, from Milwaukee, Wis., to Akron, Ohio. Wines, in packages, from Chicago, Ill., to Akron, Ohio. Empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application from Akron, Ohio, to Milwaukee, Wis., and Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 109513 (Sub No. 6).

No. MC 115179 (Sub No. 5), filed June 2, 1958. Applicant: GLACKEN TRANS-

PORTATION, INC., 625 East Pershing Road, Decatur, Ill. Applicant's representative: W. L. Jordan, 201-2 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Edible and inedible oils (not including petroleum or oils with a petroleum base), in bulk, in tank vehicles, from Decatur, Ill., to points in Pennsylvania, except Pittsburgh. Applicant is authorized to transport similar commodities in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

No. MC 117431, filed June 2, 1958. Applicant: EVELYN HELINSKY, R. D. No. 1, Connellsville, Pa. Applicant's attorney: Richard F. Malze, 405-6 First National Bank Building, Connellsville, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber and wooden articles, such as railroad ties, planks, barn poles, mine ties, highway fence posts, medium telephone poles, fence posts, blocks (various sizes), and bridge timber (various sizes), creosoted or chemically treated for purposes of preservation, from Dunbar Township, Fayette County, Pa., to points in West Virginia and Ohio.

No. MC 117444, filed June 6, 1958. Applicant: EARL L. HANSON, doing business as EARL HANSON TRUCKING CO., Route 4, Mt. Vernon, Wash. Applicant's attorney: James T. Johnson, 1111 Northern Life Tower, Seattle 1, Wash. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Olivine sand, in bulk and in sacks, from Hamilton, Wash., and points within ten (10) miles thereof, to ports of entry on the International Boundary line between the United States and Canada at or near Blaine and Sumas, Wash.

MOTOR CARRIERS OF PASSENGERS

No. MC 109736 (Sub No. 8), filed June 9, 1958. Applicant: CAPITOL BUS COMPANY, a corporation, Fourth and Chestnut Streets, Harrisburg, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: Passengers and their baggage, and express, and newspapers in the same vehicle with passengers, between Gettysburg, Pa., and Washington, D. C., from Gettysburg over U. S. Highway 15 to Frederick, Md., thence over U. S. Highway 240 to Washington, and return over the same route, serving all intermediate points between Gettysburg, Pa., and Frederick, Md., restricted against the pick-up of passengers at Frederick on southbound trips and against discharge of passengers at Frederick, Md., on northbound trips. Applicant is authorized to conduct operations in Maryland, Pennsylvania, and the District of Columbia.

NOTE: Applicant states that the purpose of the instant application is to clarify the status of its operating rights under Certificate No. MC 109736 (Sub No. 5), and eliminate the present restriction against the transporta-

tion of traffic originating at Gettysburg and destined to Washington, or originating at Washington and destined to Gettysburg.

PETITIONS

No. MC 2923, PETITION FOR RE-OPENING OF "GRANDFATHER" CLAUSE APPLICATION AND AMENDMENT OF CERTIFICATE, filed June 6, 1958. David Azorsky and Joseph Wein, doing business as Dave's Trucking Company, Port Chester, N. Y. Applicant's representative: Charles A. Trayford, 155 East 40th Street, New York 16, N. Y. Petitioner is authorized in Certificate No. MC 2923, in part, to transport General commodities, with exceptions, between New York, N. Y., on the one hand, and, on the other, Linden, N. J., points in Westchester County, N. Y., those in Hudson and Essex Counties, N. J., and those in Fairfield County, Conn. Petitioner requests that the original proceeding in the instant docket be reopened and an amended certificate be issued to properly and correctly reflect the territorial authority which it originally requested, proved, and have actually been serving since the year 1919 continuously up to and including the present date. Petitioner states that the scope of the certificate in part, as it should have been issued is: General commodities, with exceptions, (1) between New York, N. Y., points in Westchester County, N. Y., points in Fairfield County, Conn., and points in Hudson and Essex Counties, N. J., (2) between Linden, N. J., on the one hand, and, on the other, New York, N. Y. Petitioner states that no issue is made of the commodity description.

NOTE: Petitioner is also authorized in said certificate to transport chemicals between Linden, N. J., on the one hand, and, on the other, Springfield, Conn.

No. MC 86779, PETITION FOR MODIFICATION OF CERTIFICATE, filed June 5, 1958, ILLINOIS CENTRAL RAILROAD COMPANY, 135 East 11th Place, Chicago 5, Ill. Applicant's attorney: Urchie B. Ellis, same address as applicant. Petitioner is authorized in Certificate No. MC 86779, under Part B, to transport General Commodities, with certain exceptions, between various points in Illinois, including Champaign, Clinton, Springfield, and Alhambra, Ill., subject to the following condition: "No shipment shall be transported by said carrier as a common carrier by motor vehicle between any of the following points, or through or to or from more than one of said points: Clinton, Centralia, Springfield, Mattoon, and Kankakee, Ill." Petitioner has filed an application with the Illinois Commerce Commission to discontinue certain rail service between Chicago, Clinton, Springfield, and St. Louis, over which route it handles shipments for Railway Express Agency, Inc. If such service is discontinued it will not be possible to handle shipments of Railway Express Agency, Inc., between Chicago and Springfield and stations south to Alhambra in a manner satisfactory to the public, through express shipments to stations in the Clinton area may be handled by rail motor service. Petitioner desires to continue such service and the

most practical way of doing so is by rail between Chicago and Champaign, on other trains, and by substituted motor service between Champaign and Springfield and points south to Alhambra. Because of the keypoint restrictions existing at Clinton and Springfield, it is unlawful to transport shipments by truck from Champaign through Clinton to Springfield and beyond and return. If said restriction is eliminated at Clinton, petitioner will be able to handle express in substantially the same manner as at present. The only difference being that shipments would be handled from trains at Champaign instead of Clinton and Springfield. Wherefore, your petitioner prays that an order be entered modifying petitioner's consolidated certificate by eliminating the keypoint restriction at Clinton, Ill., insofar as it applies to express shipments only.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 22167 (Sub No. 8), filed May 23, 1958. Applicant: CONSOLIDATED COPPERSTATE LINES, 2163 East 14th Street, Los Angeles, Calif. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. The purpose of the instant application is to substitute Consolidated Copperstate Lines, No. MC 22167 (Sub No. 8), in lieu of Sunset Motor Lines, No. MC 60388 (Sub No. 43), as applicant in the proceedings directly related to MC-F 6824. The issues will be the same in the instant application as in the application of Sunset Motor Lines, which was published in the FEDERAL REGISTER January 30, 1958, at page 631. A publication of the notice of filing of No. MC-F 6824 published in the FEDERAL REGISTER issue of January 30, 1958 indicated that BMC 78 application of Sunset Motor Lines, Docket No. MC 60388 (Sub No. 43), was directly related. This was in error and should be disregarded. The subject application, MC 22167 (Sub No. 8), is directly related to MC-F 6824, which proceedings are assigned for hearing June 30, 1958, at Dallas, Texas.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6923 (BYERS TRANSPORTATION CO., INC.—PURCHASE (PORTION)—W. E. MURRAY TRANSFER & STORAGE CO.), published in the June 11, 1958, issue of the FEDERAL REGISTER on page 4130. Application filed June 9, 1958, for temporary authority under section 210a (b).

No. MC-F 6927. Authority sought for purchase by INTER-CITY AUTO

FREIGHT, INC., 1821 Dock Street, Tacoma 2, Wash., of the operating rights and property of CONCRETE MOTOR FREIGHT CO., 208 Matheson Building, Mount Vernon, Wash., and for acquisition by J. H. GALBRAITH, Route 1, Box 255B, Gig Harbor, Wash., of control of such rights and property through the purchase. Applicant's attorneys: E. K. Murray and E. M. Murray, both of 1012 Rust Building, Tacoma 2, Wash. Operating rights sought to be transferred: General commodities, with certain exceptions including household goods and commodities in bulk, as a common carrier, over regular routes between Mt. Vernon, Wash., and Marblemount, Wash., and between Concrete, Wash., and Baker Lake, Wash., serving certain intermediate points. Vendee is authorized to operate as a common carrier in Washington. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6928. Authority sought for purchase by WESTWOOD CARTAGE, INC., Route 1 (near Everett Street), Westwood, Mass., of the operating rights of GROCERY HAULAGE, INC., 32 Westminster Street, Providence, R. I., and for acquisition by JOHN J. MCCARTHY, JR., 425 Canton Avenue, Milton, Mass., of control of such rights through the purchase. Applicant's attorney: Ewald E. Kundtz, 1104 Terminal Tower Building, Cleveland 13, Ohio. Operating rights sought to be transferred: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies, used in the conduct of such business, as a contract carrier over irregular routes, between certain points in Connecticut, Massachusetts, and Rhode Island. Vendee is authorized to operate as a contract carrier in Massachusetts, New Hampshire, Rhode Island, and Maine. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6929. Authority sought for purchase by W. THAYER MARTIN, doing business as MARTIN BROTHERS, 208 Main Street, Mitchell, Ind., of the operating rights and property of THOMAS W. MARTIN (LOUCISSA G. MARTIN, EXECUTRIX), and W. THAYER MARTIN, doing business as MARTIN BROTHERS, East Poland Avenue, Bessemer, Pa. Applicant's attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis 4, Ind. Operating rights sought to be transferred: Coal, building materials, and road building and maintenance materials, as a common carrier over irregular routes, between certain points in Pennsylvania, on the one hand, and, on the other, certain points in Ohio; such bulk commodities as are transported in dump trucks, between certain points in Pennsylvania, Ohio, and West Virginia; cement, in packages, from Bessemer, Pa., to certain points in Ohio and West Virginia; cement, in bulk and packages, from Bessemer, Pa., to points in Summit County, Ohio, Alleghany and Garrett Counties, Md., and Chautauqua and Cattaraugus Counties, N. Y.; structural facing tile and glazed face brick, from points

in Darlington Township, Beaver County, Pa., to points in New York, New Jersey, Maryland, Delaware, Ohio, West Virginia, Virginia, Indiana, Illinois, Michigan, Kentucky, Tennessee, Missouri, Wisconsin, and the District of Columbia, except points in Ohio, Indiana, Illinois, and Kentucky which are within 200 miles of Lawrence County, Ind.; brick, from Bessemer, Pa., and points in Darlington Township, Beaver County, Pa., to points in New York, Ohio, West Virginia, and Maryland within 150 miles of Bessemer and Darlington Township, respectively; saggers and fire clay shapes, from New Castle, Pa., to points in New York, New Jersey, Illinois, Indiana, Ohio, Michigan, West Virginia, Virginia, and Tennessee, except points in Illinois, Indiana, and Ohio which are within 200 miles of Lawrence County, Ind.; skids and pallets, used in the transportation of the above-specified commodities, from the above-specified destination points to the above-specified origin points. Vendee holds no authority from this Commission, however he is affiliated with MARTIN BROS. TRUCKING, INC., Indianapolis, Ind., which is authorized to operate as a contract carrier in Indiana, Ohio, Kentucky, and Illinois. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6930. Authority sought for control and merger by STEFFKE FREIGHT CO., 204 South Bellis Street, P. O. Box 990, Wausau, Wis., of the operating rights and property of TRANSPORT DELIVERY SYSTEM, INC., 1455 Broadway, Green Bay, Wis., and for acquisition by MALCOLM J. BOYLE, JR., also of Wausau, and STEADFAST OPERATING COMPANY, c/o Mr. D. M. Healy, 231 South La Salle Street, Chicago, Ill., of control of such rights and property through the transaction. Applicant's attorney: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be controlled and merged: Petroleum products, in bulk, in tank vehicles, as a common carrier over irregular routes from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to certain points in Wisconsin, and from Green Bay, Wis., to certain points in Michigan; petroleum products, in bulk, in tank vehicles, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, 294, from Lemont, Ill., to certain points in Wisconsin and from Blooming Grove in Dane County, Wis., to points in the upper peninsula of Michigan; used petroleum oils, in bulk, in tank vehicles, from West Allis, Wis., to McCook, Ill.; liquid wood preserving and treating compound, in bulk, in tank vehicles, from Oshkosh, Wis., to points in the upper peninsula of Michigan. STEFFKE FREIGHT CO. is authorized to operate as a common carrier in Illinois, Wisconsin, Michigan, and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6931. Authority sought for purchase by STELLA LOUISE MILLSTEAD AND HARRY LEE MILLSTEAD, doing business as MILLSTEAD TRANSFER AND STORAGE, 122 Park Avenue,

Bartlesville 1, Okla., of the operating rights and property of C. REX ISAACS, doing business as REX TRANSFER AND STORAGE, 709 Union Street, Coffeyville 1, Kans. Applicants' attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a common carrier over irregular routes, between Coffeyville, Kans., and points within 25 miles thereof, on the one hand, and, on the other, points in Kansas, Missouri, and Oklahoma; *catalognes*, from Coffeyville, Kans., to certain points in Oklahoma. Vendee is authorized to operate as a common carrier in Oklahoma, Arkansas, Kansas, Texas, Colorado, Illinois, Indiana, Iowa, Kentucky, Nebraska, New Mexico, Missouri, Maine, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, West Virginia, Montana, and Wyoming. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6932. Authority sought for purchase by MARCELL'S MOTOR EXPRESS, INC., 947 Shelburne Road, South Burlington, Vt., of the operating rights and property of HAWTHORN'S TRANSPORTATION CO., INC. (EDMUND J. HAUS, RECEIVER), 4 Hazen Street, White River Junction, Vt., and for acquisition by PHILIP H. MARCELL, also of South Burlington, of control of such rights and property through the purchase. Applicants' attorneys: Drew L. Carraway, 618 Perpetual Building, Washington, D. C., and J. Boone Wilson, 178 Main Street, Burlington, Vt. Operating rights sought to be transferred: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act in the transportation of property as a common carrier, over regular routes, between specified points in the State of Vermont, as more fully described in Docket No. MC 97732. Vendee is authorized to operate as a common carrier in New York, Vermont, New Hampshire, Connecticut, Massachusetts, New Jersey, Maine, and Rhode Island. Application has been filed for temporary authority under section 210a (b).

NOTE: Application will be filed and published in the FEDERAL REGISTER at a later date as a matter directly related.

No. MC-F 6933. Authority sought for purchase by FRUIT BELT MOTOR SERVICE, INC., 3909 West Harrison Street, Chicago 24, Ill., of the operating rights of J. W. HUMBERT, INC., Kansas Street, Green Springs, Ohio, and for acquisition by HAROLD J. ALEXANDER and PEARL ALEXANDER, both of Chicago, of control of such rights through the purchase. Applicants' attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Operating rights sought to be transferred: *Household appliance parts*, as a contract carrier over irregular routes, from Detroit, Ecorse, and Wyandotte, Mich., points in Ohio except Clyde, and from Elmira, N. Y., and points within three miles of Elmira, to Clyde, Ohio, and from Detroit, Ecorse, and Wyandotte, Mich., to El-

mira, N. Y., and points within three miles thereof; *defective shipments* of household appliance parts and *skids, pallets, and containers* used in the transportation thereof, from the above-specified destination points to the above-specified points of origin; *electric motors and washing machine parts*, from Dayton, Ohio, to Tecumseh, Mich., and from Tecumseh, Mich., to Clyde, Ohio; *skids and containers* used in the transportation of electric motors and washing machine parts, from the specified destination points immediately above to the respective origin points indicated. Vendee is authorized to operate as a contract carrier in Michigan, Indiana, Illinois, Ohio, Iowa, Wisconsin, Kentucky, and Missouri. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6934. Authority sought for purchase by CLAIRMONT TRANSFER CO., 1803 Seventh Avenue North, Escanaba, Mich., of a portion of the operating rights and property of STEFFKE FREIGHT CO., 204 South Bellis Street, P. O. Box 990, Wausau, Wis., and for acquisition by RUTH K. NORTON and HERBERT J. NORTON, both of Escanaba, of control of such rights and property through the purchase. Applicants' attorneys: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis., and Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a common carrier over regular routes, between Menominee, Mich., and Ishpeming, Mich., between Green Bay, Wis., and Menominee, Mich., between Oconto, Wis., and Gillett, Wis., between Green Bay, Wis., and Iron Mountain, Mich., between Menominee, Mich., and Pound, Wis., between Marinette, Wis., and Winesville, Wis., between junction Wisconsin Highway 180 and Marinette County Highway G, and junction Marinette County Highway G and Marinette County Highway E, between junction Marinette County Highway G and Marinette County Highway E, and junction Wisconsin Highway 64 and Marinette County Highway E, between Marinette, Wis., and junction Wisconsin Highway 64 and Marinette County Highway E, and between Laona, Wis., and Gillett, Wis., serving certain intermediate and off-route points; alternate routes for operating convenience only between Iron Mountain, Mich., and junction U. S. Highways 2 and 41, near Powers, Mich., and between Iron Mountain, Mich., and Ishpeming, Mich.; *general commodities*, except Class A and B explosives, and except livestock, commodities in bulk, and those requiring special equipment, between Laona, Wis., and junction U. S. Highways 8 and 141, between Florence, Wis., and junction Wisconsin Highway 101 and U. S. Highway 8, and between Iron Mountain, Mich., and junction Florence County Highway U and U. S. Highway 8, serving all intermediate points; *fresh fish*, from Escanaba, Mich., to Menominee, Mich., serving certain

intermediate and off-route points. Vendee is authorized to operate as a common carrier in Wisconsin, Michigan, and Illinois. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6935. Authority sought for control and merger by ALL STATES FREIGHT, INCORPORATED, 1250 Kelly Avenue, Akron, Ohio, of TARBET TRUCKING, INC., 311 East 18th Street, Muncie, Ind., and for acquisition by C. O. BELL, 929 Greenwood Avenue, Akron, Ohio, BENJAMIN W. CHIDLAW, 13515 Shaker Boulevard, Cleveland, Ohio, MORRIS J. HARTMAN, 19300 Shelburne Road, Shaker Heights, Ohio, CHESTER H. LANG, 1002 North Country Club Road, Schenectady, N. Y., D. W. MCCLELLAND, 2477 Addyston Road, Akron, Ohio, SAM S. MULLIN, 2572 Guilford Road, Cleveland, Ohio, JAMES S. PEDLER, 563 Delaware Avenue, Akron, Ohio, J. P. POETZINGER, 3339 Tisen Road, Akron, Ohio, and P. M. THOMAS, 767 Swartz Road, Akron, Ohio, of control of TARBET TRUCKING, INC., through the acquisition by ALL STATES FREIGHT, INCORPORATED. Applicants' representative: James S. Pedler, Jr., Secretary, All States Freight, Incorporated, 1250 Kelly Avenue, P. O. Box 7036, Akron 6, Ohio. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a common carrier over regular routes between Muncie, Ind., and St. Louis, Mo., between Muncie, Ind., and Buffalo, N. Y., between Muncie, Ind., and Detroit, Mich., between Muncie, Ind., and Chicago, Ill., between Muncie, Ind., and Cincinnati, Ohio, between Indianapolis, Ind., and Louisville, Ky., between Sandusky, Ohio, and Milan, Ohio (for use as a connecting route only), between Marion, Ind., and Peru, Ind. (for use as a connecting route only), and between Muncie, Ind., and junction Indiana Highways 9 and 67 (for use as a connecting route only), serving certain intermediate and off-route points; several alternate routes for operating convenience only; *transmissions, transmission casings, and transmission parts*, between Kenosha, Wis., and Chicago, Ill., and between Chicago, Ill., and Kenosha, Wis., serving no intermediate points; *sodium cyanide*, from Niagara Falls, N. Y., to Buffalo, N. Y., serving no intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, points in Illinois within 30 miles of Chicago. ALL STATES FREIGHT, INCORPORATED, is authorized to operate as a common carrier in Connecticut, Illinois, Indiana, Maryland, Massachusetts, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-4607; Filed, June 17, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1979]

NATIONAL UNION INSURANCE CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JUNE 12, 1958.

In the matter of National Union Insurance Company, Common Stock, File No. 1-1979.

Philadelphia-Baltimore Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

This application is based on the small trading volume in the issue on the Exchange, and has been made at the request of the issuer.

Upon receipt of a request, on or before June 30, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 58-4593; Filed, June 17, 1958; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-XIII-11, Amdt. 1]

CHIEF, LOAN PROCESSING SECTION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

Delegation of Authority No. 30-XIII-11 (23 F. R. 3798), is hereby amended by: Adding the following subparagraphs to paragraph I.A.:

5. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Ad-

ministrator for Financial Assistance, or the Chairman, Loan Review Board, by issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority.

6. To execute as approving official SBA Form 191, "Request for Disbursement", and SBA Form 192, "Notification of Checks Delivered".

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To effect deferment of payments on principal and interest falling due prior to or within 30 days after the initial disbursement on account of a loan.

Dated: June 11, 1958.

E. D. PETERSON,
Chief,
Financial Assistance Division,
Region XIII.

[F. R. Doc. 58-4599; Filed, June 17, 1958; 8:47 a. m.]

[Delegation of Authority 30-V-5, Amdt. 2]

BRANCH MANAGER, BIRMINGHAM, ALA.

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-V-5, as amended (22 F. R. 8009, 23 F. R. 867) is further amended by deleting paragraph I.B.3.a. in its entirety and substituting the following in lieu thereof:

To approve but not decline direct business loans in an amount not exceeding \$12,000.

Dated: April 28, 1958.

JAMES F. HOLLINGSWORTH,
Regional Director,
Atlanta Regional Office.

[F. R. Doc. 58-4595; Filed, June 17, 1958; 8:47 a. m.]

[Delegation of Authority 30-V-6, Amdt. 2]

BRANCH MANAGER, MIAMI, FLA.

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-V-6, as amended (22 F. R. 8009, 23 F. R. 867) is further amended by deleting paragraph I.B.3.a. in its entirety and substituting the following in lieu thereof:

To approve but not decline direct business loans in an amount not exceeding \$12,000.

Dated: April 28, 1958.

JAMES F. HOLLINGSWORTH,
Regional Director,
Atlanta Regional Office.

[F. R. Doc. 58-4596; Filed, June 17, 1958; 8:47 a. m.]

[Delegation of Authority 30-V-7, Amdt. 2]

BRANCH MANAGER, MEMPHIS, TENN.

DELEGATION RELATING TO FINANCIAL ASSISTANCE, PROCUREMENT AND TECHNICAL ASSISTANCE AND ADMINISTRATIVE FUNCTIONS

Delegation of Authority No. 30-V-7, as amended (22 F. R. 8009, 23 F. R. 867) is further amended by deleting paragraph I.B.3.a. in its entirety and substituting the following in lieu thereof:

To approve but not decline direct business loans in an amount not exceeding \$12,000.

Dated: April 28, 1958.

JAMES F. HOLLINGSWORTH,
Regional Director,
Atlanta Regional Office.

[F. R. Doc. 58-4597; Filed, June 17, 1958; 8:47 a. m.]

[Declaration of Disaster Area 186]

WISCONSIN

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of June 1958, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Wisconsin;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: St. Croix, Chippewa and Dunn (Tornado occurring on or about June 4, 1958).

Offices: Small Business Administration Regional Office, 301 Metropolitan Building, Second Avenue and Third Street, Minneapolis 1, Minnesota.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1958.

Dated: June 5, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-4601; Filed, June 17, 1958; 8:47 a. m.]